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THE

# LAWS OF TEXAS

1897-1902

SEP 6

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**OF**  
**THE STATE OF TEXAS**  
**PASSED AT THE**  
**REGULAR SESSION**  
**OF THE**  
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# GENERAL LAWS OF TEXAS.

## TWENTY-SIXTH LEGISLATURE, 1899.

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### MILEAGE AND PER DIEM OF MEMBERS—TWENTY-SIXTH LEGISLATURE.

S. B. No. 6.]

#### CHAPTER I.

An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employes' per diem of the Twenty-sixth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of one hundred and ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the money in the treasury, not otherwise appropriated, for the payment of mileage and per diem pay for members, and per diem pay of officers and employes of the Twenty-sixth Legislature.

SEC. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

SEC. 3. And whereas, the Twenty-sixth Legislature is now in session, and public policy requires their payment; therefore, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act shall take effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 26, nays 0; and passed the House of Representatives by yeas 120, nays 0.]

Approved January 14, 1899.

Became a law January 14, 1899.

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### CONTINGENT EXPENSES—TWENTY-SIXTH LEGISLATURE.

S. B. No. 7.]

#### CHAPTER II.

An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of twenty thousand dollars, or so much thereof as may be

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SEC. 2. That the fact that it is important that the expenses of the Legislature be promptly paid creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 25; nays 0; and passed the House of Representatives by yeas 120, nays 0.]

Approved January 14, 1899.

Became a law January 14, 1899.

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## DUVAL COUNTY—CHANGING JURISDICTION OF COUNTY AND DISTRICT COURTS.

H. B. No. 11.]

### CHAPTER III.

An Act to diminish the civil and criminal jurisdiction of the county court of Duval county; to conform the jurisdiction of the district court of said county thereto, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of Duval county shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and of common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, and transact all business appertaining to the estates of deceased persons, minors, idiots, persons non compos mentis, lunatics and of common drunkards; including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors, as provided by law, and to issue all writs necessary to the enforcement of its own jurisdiction; to punish contempts under such provisions as are or may be provided by law; but the said county court of Duval county shall have no other jurisdiction, civil or criminal, whatsoever.

SEC. 2. That the district court of Duval county shall have and exercise jurisdiction in all civil and criminal matters and causes over which, by the laws of this State, the county court of said county would have jurisdiction, except as provided in Section 1 of this act; all causes other than probate matters, and such as are provided by Section 1 of this act

be, and the same are hereby transferred to the district court of Duval county, and all writs and processes relating to any civil or criminal matters not included in the subject matter of jurisdiction prescribed in Section 1 of this act, issued by or out of said county court of Duval county be, and the same are hereby made returnable to the next term of the district court of said county after this act takes effect.

SEC. 3. That the county clerk of Duval county be, and is hereby required, within thirty days after this act takes effect to make a full and complete transcript of all entries upon the civil and criminal dockets heretofore made in cases which by Section 2 of this act are required to be transferred to the district court of said county, together with all the papers to such causes pertaining, and a certified bill of costs in each case, and all such causes shall be immediately docketed by said district clerk; and such civil cases so transferred shall stand on the dockets of said court as appearance cases for the next succeeding term, and all criminal cases shall be docketed and disposed of in the same manner as if the same had been originally in said district court, and all process now issued and returnable to said county court shall be returnable to said district court.

SEC. 4. That this act shall not be construed to in any manner affect judgments heretofore rendered by said county court of Duval county pertaining to matters and causes which by Section 2 of this act are transferred to the district court of said county, but the county clerk of said county shall issue all executions and orders of sale and proceedings thereunder shall be as valid and binding, to all intents and purposes, as though the change had not been as by Section 2 therein contemplated.

SEC. 5. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 6. Owing to the great inconvenience caused the people of Duval county, and the almost unanimous demand by the citizens of said county that said jurisdiction be diminished, an emergency is created and an imperative public necessity requires the suspension of the constitutional rule requiring bills to be read on three several days; said rule is therefore suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 103, nays 1; and passed the Senate by a two-thirds vote, yeas 25, nays 0.]

Approved January 31, 1899.

Became a law January 31, 1899.

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## SECRETARY OF STATE—BOND.

H. B. No. 118.]

### CHAPTER IV.

An Act to amend Article 2801, of Chapter 1, Title 52, Revised Civil Statutes of 1895, relating to the office of Secretary of State, and requiring the Secretary of State to execute a bond.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 2801, Chapter 1, Title 52, of the Revised Civil Statutes of 1895, be amended so as to hereafter read as follows: Digitized by Google

Article 2801. (2719) A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall be continued in office during the term of service of the Governor by whom he was appointed, and until his successor is appointed and qualified.

The Secretary of State shall within twenty days after he has received notice of his appointment, and before he enters upon the duties of his office, give a bond, payable to the Governor and his successors in office, for the use of the State, in the sum of twenty-five thousand dollars, with not less than six good sureties, to be approved by the Governor, conditioned that he will faithfully execute the duties of his office; and shall take and subscribe to the oath prescribed by the Constitution, which, together with the bond, shall be deposited in the office of the Comptroller of Public Accounts.

SEC. 2. The fact that no adequate bond is required of the Secretary of State, and the large number of bills now on the calendar of each house creates an emergency, and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 99, nays 0; Senate amendment concurred in by a two-thirds vote, yeas 111, nays 0; and passed the Senate by a two-thirds vote, yeas 22, nays 0.]

Approved February 7, 1899.

Became a law February 7, 1899.

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## EPILEPTIC COLONY.

### H. B. No. 22.]

### CHAPTER V.

An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That there be built, established and maintained a branch asylum for the care, treatment and support of the epileptic insane of the State, and such other insane persons as it may become necessary from time to time to confine and treat in said asylum.

SEC. 2. That said branch asylum be known as the Epileptic Colony.

SEC. 3. That the Governor shall appoint three commissioners, who shall select a site for the said branch asylum and shall receive for their services the sum of five dollars each per day and their actual expenses, not to exceed, however, ten days service, whose accounts shall be approved by the Governor, audited by the Comptroller and paid by the Treasurer.

SEC. 4. That said commission shall make their report to the Governor, and when approved by him they shall take title to the land selected by them in the name of the State for the use and benefit of the State lunatic asylum. Provided, however, that the Attorney-General shall first approve the title of the land selected by said commission.

SEC. 5. That the Governor shall appoint a board of managers for said branch asylum, with such powers and duties as are now provided in Title 9, of the Revised Statutes of Texas.

SEC. 6. That the support and general management of said asylum shall be the same as is now provided for other branch asylums of the State.

SEC. 7. That there shall be constructed upon said grounds so selected suitable and permanent buildings, sufficient to accommodate at least five hundred inmates; said buildings to be provided with such equipment for furnishing water, heat, light, ventilation and other necessary conveniences as may be practicable; and the Governor shall, as soon as practicable after the passage of this act, and approval of the report of the commissioners heretofore provided for, advertise for plans and specifications for said buildings, and together with the Comptroller and Treasurer shall let the contract for the construction of said buildings, according to such plans and specifications as they may have adopted, to the lowest responsible bidder, who shall give a good and sufficient bond for the completion of said buildings according to the contract entered into by them; provided, that the total cost of buildings, improvements and equipments, with all necessary contingencies, shall not exceed one hundred thousand dollars (\$100,000).

SEC. 8. That there be appropriated out of the general revenue of the State, accruing in the fiscal year 1900, and not otherwise appropriated, the sum of fifty thousand dollars (\$50,000) for the selection and location of site, and toward the erection of buildings and such other improvements and fixtures as may be necessary to build, equip, establish and operate said branch asylum.

SEC. 9. That the epileptic insane now confined in the several asylums of the State be transferred to said epileptic colony, and that such others as may from time to time be declared epileptic lunatics of the State, under such rules and regulations as are now or may hereafter be provided by law, shall be confined and treated in said epileptic colony.

SEC. 10. The Commission appointed by the Governor shall select the site of said branch asylum at or near the city of Abilene; provided, the city of Abilene shall donate to said asylum six hundred and forty acres of good arable land within three miles of said city, and at a convenient distance to the lake, to be determined by said commission, and shall agree and bind itself to furnish said asylum for a period of nineteen years all the water said asylum may need for any purpose whatsoever at a rate not to exceed six cents for each one thousand gallons, said water to be pure and healthy, and to be furnished in the lake and pumped and taken out of the lake by said asylum; and provided further, that said city shall also bind itself by proper and legal agreement, that said water shall, after the expiration of said nineteen years, be furnished in said lake to said asylum free of any charge whatsoever; but should said city fail or refuse to make said donation of land and water as hereinbefore provided, then said commission shall be free to select said site anywhere in Texas, subject to such terms and conditions as the Governor may require.

SEC. 11. Said commission shall be appointed immediately upon the passage of this act, and the sum of one thousand (\$1000) dollars be and is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay the expenses of said commission, and also for the

payment of the expenses of an agent to be selected and sent by the Governor for the purpose of examining and reporting upon the institutions established at Sonyea, N. Y., Oakburn, Pa., and Palmer, Mass.

SEC. 12. Whereas, there are now a large number of insane persons in the jails throughout the State who are much in need of immediate treatment; and, whereas, there are a large number of epileptic insane in the several asylums of the State who are in great need of separation from the other insane of the several asylums; and, whereas, there are now a large number of epileptic insane throughout the State who are in great need of care and treatment who cannot be admitted into the several asylums on account of their incurable condition and the crowded condition of said asylums, therefore, an emergency and an imperative public necessity exist which render it necessary that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 105, nays 6; and passed the Senate by a two-thirds vote, yeas 21, nays 0.]

Approved February 9, 1899.

Became effective February 9, 1899.

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## SAN JACINTO BATTLE FIELD.

S. B. No. 79.]

### CHAPTER VI.

An Act to be entitled an act to amend Section 6, of an act approved May the 6th, 1897, for the establishment of a public park on the site of the battle field of San Jacinto, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park, and making an appropriation therefor, so as to extend the time within which the commissioners may make their final report under the provisions of the act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 6 of the above mentioned act be and the same is hereby amended so as to hereafter read as follows:

Section 6. Such reasonable and necessary expenses as may be incurred by the commissioners personally, and in the employment of engineers and surveyors as may be necessary in carrying out the provisions of this act, shall be presented in writing and under oath, to the Governor, and, if approved by him as reasonable and correct, shall be audited as other claims and paid out of the appropriation herein made. Said commissioners shall, on the completion of their services herein provided for, and not later than the first day of January, 1901, make a full report to the Governor, with an itemized statement of all expenditures and all acts done and performed under this act.

SEC. 2. The fact that suits are now pending in the county of Harris seeking the condemnation of lands under the provisions of this act, and the commissioners have [have] been unable to conclude their duties and to make full report as herein required, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to



be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 103, nays 3.]

Approved February 13, 1899.

Became effective February 13, 1899.

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### THIRTY-FIFTH JUDICIAL DISTRICT.

H. B. No. 351.]

#### CHAPTER VII.

An Act for fixing the time for holding the courts in the Thirty-fifth Judicial District, and to repeal all laws in conflict therewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the district courts shall be holden in the counties composing the Thirty-fifth Judicial District each year as follows:

In the county of Coleman, on the first Mondays in February and September, and may continue in session five weeks.

In the county of Runnels, on the fifth Mondays after the first Mondays in February and September, and may continue in session four weeks.

In the county of Concho, on the ninth Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of McCulloch, on the eleventh Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Brown, on the thirteenth Mondays after the first Mondays in February and September, and may continue in session until the business is disposed of.

SEC. 2. That all process issued on and served before this act goes into effect, returnable to the district courts in said judicial district, shall be returnable to said courts as fixed by the terms of this act; and said process is hereby legalized and validated, and all grand and petit jurors selected and drawn under existing laws in any of the counties of said judicial district shall be considered lawfully drawn and selected for the next term of the district court of the respective counties held after this act takes effect, and all appearance bonds and recognizances taken in and for said courts shall bind the parties therein obligated to appear at the next term of such court held under this act.

SEC. 3. That all laws in conflict with this act be and the same are hereby repealed.

SEC. 4. The fact that many causes docketed in the district courts of Coleman and Runnels counties cannot be reached for trial for want of sufficient time, creates an imperative public necessity and emergency justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 95, nays 0; and passed the Senate by a two-thirds vote, yeas 25, nays 0.]

Approved February 14, 1899.

Became effective February 14, 1899.

## UNLAWFULLY DISPOSING OF MORTGAGED PROPERTY.

H. B. No. 108.]

### CHAPTER VIII.

An Act to amend Title 4, Chapter 2, of the Code of Criminal Procedure, relating to the unlawful disposing of mortgaged property, and more particularly fixing the venue of such cases.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Title 4, Chapter 2, of the Code of Criminal Procedure, be amended by the addition of a new article, to be numbered Article 235a, to read as follows:

Article 235a. When mortgaged property is taken from one county and unlawfully disposed of in another county, the offender may be prosecuted either in the county in which such property was disposed of or in the county from which it was removed, or in which the lien on it is registered.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, yeas 69, nays 41; and passed the Senate, vote not given.]

Approved February 20, 1899.

## “BIG FOOT” WALLACE—REMOVAL OF REMAINS.

H. B. No. 353.]

### CHAPTER IX.

An Act to provide for the removal of the remains of the late lamented W. A. A. Wallace, familiarly known as “Big Foot” Wallace, from Frio county, and for their interment in the State cemetery at Austin, and making the necessary appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the remains of the said W. A. A. Wallace, now interred in Frio county, Texas, shall be removed and interred in the State cemetery at Austin, Texas, at the earliest practicable date; said removal or reinterment to be under the supervision and control of a committee of three members of the House of Representatives of the Twenty-sixth Legislature of Texas, and to be appointed by the Speaker thereof; and after said interment that a suitable headstone shall be erected over his grave, having such inscription as said committee may deem appropriate.

SEC. 2. The sum of two hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expenses of executing the provisions of this act, and the Comptroller

is hereby authorized to draw warrants for the same upon the approval of said claims by the committee hereinbefore provided for.

SEC. 3. Respect for the memory of said W. A. A. Wallace, and the fact that his remains now lie buried in a neglected and desolated grave, create an imperative public necessity that the constitutional rule requiring bills to be read in each house on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, yeas 71, nays 15; and passed the Senate, vote not given.]

Approved February 20, 1899.

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### AGRICULTURAL AND MECHANICAL COLLEGE—EXPERT ENTOMOLOGIST.

H. B. No. 190.]

#### CHAPTER X.

An Act authorizing and directing the president and board of directors of the Agricultural and Mechanical College of Texas to employ an expert entomologist, whose duty it shall be to devise means, if possible, of destroying the "Mexican boll weevil," and other insect pests, and to perform the duties of professor of entomology in the Agricultural and Mechanical College of Texas, and appropriating five thousand dollars for the purpose of carrying this act into effect.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the president and board of directors of the Agricultural and Mechanical College of Texas are hereby authorized and directed to employ an expert entomologist, one or more, as may be deemed necessary, whose duty it shall be to devise, if possible, means of destroying the Mexican boll weevil, boll worm, caterpillar, sharp-shooter, chinch bug, peach bug, fly and worm and other insect pests, and to perform the duties of professor of entomology in the Agricultural and Mechanical College of Texas.

SEC. 2. The sum of five thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of putting this act into effect.

SEC. 3. On account of the great destruction of the cotton and peach crop over large sections of the State, and the menace to, and certain destruction of, the entire cotton and peach crop of the State, unless the evil be promptly checked, an emergency and imperative necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended, and that this act take effect from and after the date of its passage, and said bill be placed upon its third reading and final passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 102, nays 8; and Senate amendments concurred in by a two-thirds vote, yeas 112, nays 0; and passed the Senate by a two-thirds vote, yeas 21, nays 0.]

Approved February 25, 1899.

Became a law February 25, 1899.

## ENCINAL COUNTY ABOLISHED.

S. B. No. 134.]

## CHAPTER XI.

An Act to be entitled an act to abolish the unorganized county of Encinal; to establish the boundaries of Webb county so as to include the territory of said unorganized county; to provide for transfer of funds belonging to said county in the State treasury to the treasury of Webb county, and for the collection of taxes due from non-residents.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the unorganized county of Encinal be and the same is hereby abolished.

SEC. 2. That for the purpose of incorporating the territory comprising said unorganized county in the county of Webb the boundary lines of Webb county be and they are established as follows: Beginning on the left margin of the Rio Grande river at a point called El Canon de San Andres, being the lower line of the ancient jurisdiction of the town of Laredo; thence following the lower line of Webb county, as now existing, to the southwest corner of the hitherto Encinal county; thence running in the direction of the mouth of the Almos creek to the southwest corner of Duval county; thence due north to the southeast corner of LaSalle county; thence due west to the southwest corner of LaSalle county; thence due north to the southeast corner of Dimmit county; thence west with the south line of Dimmit and Maverick counties to the Rio Grande, and down the same with its meanderings to the place of beginning.

SEC. 3. That immediately upon the taking effect of this act, the funds now in the State treasury to the credit of said unorganized county shall be paid over to the treasurer of Webb county upon his order.

SEC. 4. That all taxes due upon or assessed against the property of non-residents in said unorganized county, and which shall be unpaid at the time this act takes effect, shall be payable to and shall be collected by the tax collector of Webb county in the same manner as other taxes are collected in Webb county. A copy of the non-resident tax rolls of said unorganized county, certified to by the Comptroller, showing the amount of taxes unpaid by such non-residents at the time this act takes effect, shall be furnished by the Comptroller to the collector of taxes of Webb county, and the same shall be sufficient authority for the tax collector of Webb county to collect such taxes.

SEC. 5. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 6. That the crowded condition of the calendar and the convenience of the people residing in said unorganized county and Webb county, creates an imperative public necessity and an emergency for the suspension of the constitutional rule requiring bills to be read on three several days, that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 25, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 91, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-eighth day of February, A. D. 1899, but was

not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective March 12, 1899.

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## CONSTITUTIONAL AMENDMENTS—APPROPRIATION FOR PUBLISHING.

S. S. B. No. 22.]

### CHAPTER XII.

An Act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-fifth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of ten thousand dollars, or as much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to pay for publishing the constitutional amendments voted on at a special election held on November 1, 1898, and at the last general election, and for publishing the Governor's proclamation calling the last general election.

SEC. 2. Whereas, the Secretary of State did have the constitutional amendments proposed by the Twenty-fifth Legislature published, as required by law, and there being no appropriation to pay for the same, and public policy requires the immediate payment to the parties entitled to receive the same; therefore, an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 23, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 98, nays 1.]

Approved March 1, 1899.

Became effective March 1, 1899.

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## TAX COMMISSION.

H. B. No. 352.]

### CHAPTER XIII.

An Act to create a commission to frame and report a complete system of laws for the assessment, collection and accounting of taxes and public revenues in the State; to provide the duties and compensation of said commission, the methods of its work, the period of its service and a submission of a report of its labors to the Legislature, and to make an appropriation to defray the expenses of same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That there shall be and is hereby created and established a commission to be known and called "The Tax Commission," to be composed of the Governor, the Comptroller of Public Accounts, the State Revenue Agent and one other person, to be appointed by the Governor, who shall be a

competent expert in matters pertaining to taxation and revenue. The said commission shall exist and exercise the duties and functions herein provided no longer than may be necessary for the proper performance of such duties and functions, and in no event beyond the convening of the regular session of the Twenty-seventh Legislature.

SEC. 2. It shall be the duty of said commission, as soon as practicable, to thoroughly examine the entire system of laws and regulations now in force affecting the raising of public revenue, and the assessment and collection of taxes, State, county and municipal, and the method of accounting therefor, and of disbursing thereof by the various officials charged therewith, and to devise, frame and report to the Legislature a bill or bills designed and calculated to secure the following principal objects, to wit:

First.—An exhaustive and equitable assessment of all taxes upon every species of property in this State, real, personal and mixed, tangible and intangible, and whether belonging to natural or artificial, to residents or non-residents, to the end that no character of property, assets, holdings or valuable interests shall escape the due, just and equal burdens of lawful taxation.

Second.—To provide for and enforce the prompt, effective and complete collection of all taxes imposed and assessed by the State and its subdivisions and municipalities.

Third.—To secure and compel the correct, perfect and speedy accounting of all officials interested by law with the assessment and collection of taxes and the control and disbursement of the public revenues of every description.

SEC. 3. Subsidiary to the main objects hereinbefore named, said commission shall have authority to investigate all kindred topics of legislation and to recommend such measures as to them shall seem advisable, in the general direction of a more perfect and efficient system of taxation. For the purpose of carrying out the duties and powers herein defined, said commission shall have access to all the public offices of the State and of the several counties and municipalities, with the right to examine the books, accounts, reports and papers thereof, and to call for reports and statements from said officers, and shall have authority and power to summon and compel the attendance of witnesses, to administer oaths and to send for books and papers necessary to accomplish the purposes herein declared.

Provided, that each member of said commission shall have the authority to administer oaths to any witness and to take his answers in writing to any questions that such commissioner, or any member thereof, may propound to him concerning the subject there under investigation, and to report the same to said commission; provided further, that no witness shall be compelled to leave the county of his residence to attend upon said commission to give evidence as provided in this act until he shall have had an opportunity to make written answers to questions as herein provided, and for the purpose of such written answers any officer now authorized to administer oaths in this State may swear such witness to such answers.

In case any witness is taken from the county of his residence to appear before said commission he shall receive the same witness fees granted a witness in criminal cases.

SEC. 4. Said commission shall receive no compensation for their

services, except the expert authorized to be appointed as expressed, who shall receive such reasonable compensation as the Governor may fix and direct to be paid.

The said commission shall have authority to employ such clerks, stenographers and other subordinates as may be necessary, and to do such printing as may be required in the performance of their duty, as herein defined.

SEC. 5. The sum of two thousand five hundred dollars (\$2500), or so much thereof as may be required, is hereby appropriated for the purpose of paying the compensation and defraying the expenses hereinbefore provided and contemplated.

SEC. 6. The urgent necessity for the revision of the tax laws to accomplish the objects above declared, and the desirability of having the aforesaid commission at once enter upon its labors, so as to secure a speedy and satisfactory report, create a public emergency for the immediate passage and operation of this act; and therefore the constitutional rule requiring bills to be read on three several days is suspended, and this act shall take effect and go into force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 97, nays 8; Senate amendments concurred in, no vote given, but the House Journal shows that the amendments were concurred in by a vote of 99 yeas, 0 nays; and passed the Senate by a two-thirds vote, yeas 26, nays 0.]

Approved March 1, 1899.

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## PERMANENT SCHOOL FUND—REPEALING ONE PER CENT. LAW.

H. B. No. 157.]

### CHAPTER XIV.

An Act to repeal Articles 3898, 3899, 3900 and 3901, Title 86, Chapter 7, of the Revised Civil Statutes of 1895 of the State of Texas, transferring and setting apart annually one per cent. of the full value of the permanent school fund to the credit of the available school fund, and to declare an emergency and provide that this act take immediate effect.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 3898, 3899, 3900 and 3901, of Title 86, Chapter 7, of the Revised Civil Statutes of 1895, of the State of Texas, be and the same is hereby repealed.

SEC. 2. The great importance of protection to the permanent school fund, and the necessity of a law to safely guard same, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 102, nays 6; and passed the Senate by a two-thirds vote, yeas 21, nays 0.]

Approved March 1, 1899.

Became effective March 1, 1899.

## WORK ON PUBLIC ROADS—AMENDMENTS.

S. H. B. No. 54.]

## CHAPTER XV.

An Act to repeal Article 492, of Chapter 2, of Title 13, of the Penal Code of the State of Texas, and to amend Article 491, of Chapter 2, of Title 13, of the Penal Code of the State of Texas, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 492, of Chapter 2, Title 13, of the Penal Code of the State of Texas, be and the same is hereby repealed; and Article 491, of Chapter 2, Title 13, of the Penal Code of the State of Texas, be so amended as to hereafter read as follows:

Article 491. If any person liable under the law to work upon the public roads shall wilfully fail or refuse to attend, either in person or by substitute, at the time and place designated by the road overseer, the person summoning, the superintendent or other person authorized by the commissioners' court to discharge the duties of overseer or superintendent of his district or precinct, after being legally summoned, or shall fail on or before the day for which he is summoned to attend, to pay to such overseer or superintendent the sum of one dollar per day for each day he may have been notified to work on the road, or having attended, shall fail to perform any duty required of him by law, he shall be fined in any sum not exceeding ten dollars.

SEC. 2. Whereas, the above article is in conflict with Article 491, of the Penal Code, which renders the law in reference to working public roads uncertain, and creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 97, nays 1; and passed the Senate by a two-thirds vote, yeas 23, nays 0.]

Approved March 2, 1899.

Became effective March 2, 1899.

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PUBLIC SCHOOL LANDS—ORDERING ACCOUNT BETWEEN STATE AND PERMANENT SCHOOL FUND.

S. H. B. No. 364.]

## CHAPTER XVI.

An Act empowering the Governor of the State of Texas, together with the Commissioner of the General Land Office of said State, to employ four additional clerks, or so many thereof as may be necessary, to tabulate the account in the General Land Office between the State of Texas and the permanent school fund, and providing for the ascertainment of the amount of public domain of the State of Texas at the time of the adoption of the Constitution of 1876, and [and] what has been done with same, and showing the present condition of the account between the State of Texas and the permanent school fund growing out of their joint landed interests, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Governor of said State, together with the Com-



missioner of the General Land Office of said State, are authorized and empowered to employ four additional clerks for the General Land Office, or so many thereof as may be necessary, to work under the direction and supervision of said Commissioner for such length of time as may be actually necessary for the investigation and correct ascertainment of the amount of public domain held and owned by the State of Texas at the time of the adoption of the Constitution of 1876, and the amount of such lands that have since been transferred, or, in any wise appropriated to said school fund, together with the amount of the proceeds of any lands sold for the benefit of said fund, other than the lands sold as school lands, as well as all other funds credited by the State to said school fund, with the amount of expenses paid by the State for benefit of said school fund, and to ascertain any other matter of proper charge or credit to the State, growing out of the joint landed interest of the State and school fund, under the provisions of the Constitution. And further, to ascertain the amount of said lands that have been in anywise used or appropriated by the State of Texas out of said public domain since the adoption of the Constitution of 1876.

SEC. 2. The additional clerks provided for in the first section of this act shall be well informed in that part of the business of the General Land Office that is required to be investigated and examined under the provisions of this act, and said persons shall be well qualified for the work thus required and shall not be retained by the State, by virtue of this act longer than is absolutely necessary for the ascertainment of the facts herein required, neither shall there be more clerks employed hereunder than can successfully work together in the accomplishment of the purposes of this act. When said work is completed it shall be immediately reported to the Governor by said Land Commissioner, and said Commissioner shall report the proceedings of said investigation to the Governor from time to time, as he may request the same.

SEC. 3. There is hereby appropriated out of any money in the State treasury, not otherwise appropriated, the sum of thirty-five hundred dollars, or so much thereof as may be necessary, for the carrying into full effect the provisions and purposes of this act. Said clerks shall be paid by the Commissioner as are other clerks in the General Land Office.

SEC. 4. The fact that the present condition of the public school fund, and the rights of the State of Texas, growing out of the joint landed interests of the State and the permanent school fund has produced the effect to disturb the land titles in this State, and their condition cannot be known, or remedy provided, until the provisions of this act have been put into effect; therefore, an imperative public necessity and emergency exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 87, nays 12; and passed the Senate by a two-thirds vote, yeas 21, nays 0.]

Approved March 2, 1899.

Became effective March 2, 1899.

## RAILROADS THROUGH THE INDIAN TERRITORY.

S. B. No. 156.]

## CHAPTER XVII.

An Act to be entitled an act to authorize railroad companies of this State to accept and exercise the right and privileges conferred upon them by acts of Congress granting them the right of way for their roads in and through the Indian Territory without limiting the authority of the laws of Texas over so much of such railroad as may be within the State of Texas.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That any railway company organized under the laws of this State to which the Congress of the United States has granted or shall hereafter grant the right of way and permission to extend and construct its railway in the Indian Territory be and it is hereby authorized to accept such grant and to construct and operate its railway in said Territory in accordance with the terms and provisions of the act of Congress under which such grant is made, and such company, in the issuance of its bonds to provide funds for the construction of that part of its road in said Indian Territory shall not be subject to the provisions and requirements of Chapter fourteen (14), Title ninety-four (94), of the Revised Statutes of this State, of 1895; provided, that any mortgage which may be given by such company to secure the payment of bonds issued by it on account of its railway and property in said Territory shall not operate as a lien upon that part of its road which is in the State of Texas, but may extend to and include all and singular the railway property and franchises of said company in said Indian Territory; and provided further, that the rates of freight and passenger fares on such railway in the Indian Territory shall not exceed rates fixed by the laws of the State of Texas for like transportation therein; and provided further, that nothing in this act shall be so construed as to waive any right the State of Texas has under its Constitution and laws now in force or that may hereafter be enacted for the government of railroads.

SEC. 2. Whereas, a number of railway corporations of this State have secured grants from Congress of right of way with permission to extend their lines into said Indian Territory to and through the coal fields therein, and the extension of commerce of this State with the increasing population of said Indian Territory would greatly enhance the prosperity of the people of Texas, and, whereas, said provisions of the laws of this State are not applicable to railway construction in said Territory by companies of this State to the prejudice of its citizens; therefore, an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read in each house on three several days is created, and such rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 1; and passed the House of Representatives by a two-thirds vote, yeas 93, nays 3.]

Approved March 3, 1899.

Became effective March 3, 1899.

## SOUTHWESTERN INSANE ASYLUM—REPAIRS AND ANCHORAGE.

S. B. No. 155.]

## CHAPTER XVIII.

An Act to be entitled an act authorizing the Governor to have underpinned, repaired and anchored the administration and ward buildings of the Southwestern Insane Asylum, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Governor of the State of Texas is hereby authorized and empowered immediately to have underpinned, repaired and anchored the administration and ward buildings of the Southwestern Insane Asylum at San Antonio, under the supervision of an honest and competent architect; provided, however, that no architect or contractor who was in any manner connected with the original construction of said buildings shall under any circumstances be employed or consulted.

SEC. 2. For the purpose of paying for the work and material for underpinning, repairing and anchoring said buildings and paying the salary of said architect, the sum of ten thousand dollars, or so much thereof as may be required, is hereby appropriated out of any money in the State treasury not otherwise appropriated, and the same shall be expended under the direction of the Governor, and warrants shall be drawn against said money by the Comptroller upon accounts duly approved by the signature of the Governor, but not otherwise.

SEC. 3. The fact that the administration and ward buildings of the Southwestern Insane Asylum, which this act authorizes to be underpinned, repaired and anchored, have been condemned as dangerous, and are in a state of impending delapidation and ruin, the result of incompetency, fraud and public pilferings, hourly threatening the lives of about three hundred helpless and unfortunate human beings, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is therefore hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 1; and passed the House of Representatives by a two-thirds vote, yeas 100, nays 0.]

Approved March 3, 1899.

Became effective March 3, 1899.

RAILWAY COMPANIES—RELIEF OF THOSE FAILING TO  
CONSTRUCT IN TIME REQUIRED BY LAW.

S. B. No. 18.]

## CHAPTER XIX.

An Act for the relief of railway corporations and belt and suburban railway companies, having charters granted or amended since the first day of January, 1887, and which have failed, or about to fail, to construct their roads and branches, or any part thereof, within the time required by law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the time within which any railway corporation, chartered under the laws of the State of Texas since the first day of January, 1887, or the charter of which has been amended since that date, is required to begin the construction of its road, and construct, equip and put in good running order, as provided in Article 4558, of the Revised Statutes of the State of Texas, shall be, and the same hereby is, as to any unfinished portion of such road, extended two years from the taking effect of this act; and any railway company having been chartered since January 1, 1887, or the charter to which has been amended since said date, which shall have forfeited its corporate existence or any of its rights and powers, or is about to so do, by reason of the failure to comply with said Article 4558, or any part of said article, shall have restored and preserved to its corporate existence and it shall have and enjoy all of the corporate franchises, property, rights and power held or acquired by it previous to any cause of forfeiture on account of such failure as aforesaid; provided, that no railroad company which shall be revived or the time extended by virtue of this act shall claim or exercise any right or franchise not allowed, granted or permitted to other railway corporations under the laws as now in force in this State, and such railroad company as may be revived or time extended by this act shall comply with the laws of this State now in force appertaining to railway corporations, and the provisions of this act shall extend to and embrace suburban and belt railroads heretofore chartered under the laws of this State.

SEC. 2. Any railway corporation chartered since the first day of January, A. D. 1887, and which by its original charter, or by amendment thereto filed since said first day of January, A. D. 1887, has provided for the locating, constructing, maintaining, owning and operating, or any extension or branch line or lines of railway, and which has failed or is about to fail to complete the same or any part thereof within the time required by law, shall, upon the payment of all of its franchise tax, be and is hereby restored to and granted all and singular the rights, privileges and franchises acquired by such original charter, or by such amendment to its articles of incorporation as if the same were filed and recorded in the office of the Secretary of State on the day of the taking effect of this act, and such corporation shall, upon the payment of its franchise tax, be and is hereby authorized to project, complete, construct, own and operate any such extensions and branch line or lines of railway under and as provided for in its charter, or in any such amendment to its articles of incorporation; provided, that said extensions and branch lines of railway shall be by such corporation completed and put in running order at the rate of at least ten miles within one year from the taking

effect of this act, and twenty additional miles for each and every year thereafter until all of said extensions or branch line or lines so provided for are completed.

SEC. 3. The fact that no good can result to the State from the forfeitures provided against in this act, and that the public interest and convenience will be promoted, and citizens in many parts of the State having invested in railway enterprises subject to great loss, unless the relief herein provided for be granted, therefore, an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days is created, and it is so suspended, and demanding that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 2; and passed the House of Representatives by a two-thirds vote, yeas 104, nays 1.]

Approved March 3, 1899.

Became effective March 3, 1899.

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## BEXAR COUNTY—INCREASING JURISDICTION OF COUNTY COURT.

H. B. No. 49.]

### CHAPTER XX.

An Act to restore and confer upon the county court of Bexar county the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of Bexar county shall hereafter have exclusive original jurisdiction in civil cases when the matter in controversy shall exceed in value two hundred dollars, and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district court of said county when the matter in controversy shall exceed five hundred dollars and not exceed one thousand dollars, exclusive of interest; but shall not have jurisdiction of suits for the recovery of land.

SEC. 2. Said county court shall have appellate jurisdiction in civil cases over which justice courts have original jurisdiction when the judgment of the court appealed from shall exceed twenty dollars, exclusive of costs, and said county court shall have power to hear and determine cases brought up from the justices courts by certiorari under the provisions of the title of the Revised Statutes relating thereto.

SEC. 3. The county judge in said county shall have authority, either in term time or in vacation, to grant writs of mandamus, injunction, sequestration, garnishment, attachment, certiorari, supersedeas and all other writs necessary to the enforcement of the jurisdiction of said court, and shall have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the district court or judge thereof.

SEC. 4. Said county court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said court shall have original or appellate jurisdiction.

SEC. 5. Said county court shall have exclusive and original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the justices courts, as the same is now or may hereafter be prescribed by law, except misdemeanors involving official misconduct.

SEC. 6. The district court of said county of Bexar shall no longer have jurisdiction of misdemeanors, except misdemeanors involving official misconduct, and shall no longer have jurisdiction of cases of which the county court of said county, by the provisions of this act, has original or appellate jurisdiction; and it shall be the duty of the district clerk of said county, within ninety days after this act shall take effect, to make full and complete transcripts of all the orders on the criminal and civil dockets in cases then pending before the district court of said county of which cases, by the provisions of this act, original or appellate jurisdiction is given to said county court, and to deliver said transcript, together with the original papers and a certified copy of the bill of costs in each case, to the county clerk of said county, and said county clerk shall take charge of said transcripts and papers, file the same and enter said cases on their respective dockets for trial by said court.

SEC. 7. The said county court shall also have the power to hear and determine all motions against sheriffs and other officers of the court for failure to pay over moneys collected under the process of said court, or other defalcations of duty in connection with such process, and shall have power to punish by fine, not exceeding one hundred dollars, and by imprisonment, not exceeding three days, any person guilty of contempt of said court, and all other powers and jurisdictions conferred on county courts by the Constitution and General Laws of this State.

SEC. 8. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 9. The crowded condition of the district courts, and the importance of giving relief so that cases may be promptly tried and with less expense, create an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 95, nays 0; and passed the Senate by a two-thirds vote, yeas 23, nays 0.]

Approved March 6, 1899.

Became effective March 6, 1899.

AGRICULTURAL AND MECHANICAL COLLEGE—BOARD  
OF DIRECTORS.

S. B. No. 114.]

## CHAPTER XXI.

An Act to amend Articles 3862, 3863 and 3866, Revised Civil Statutes, relating to the government of the Agricultural and Mechanical College of Texas.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Articles 3862, 3863 and 3866, Revised Civil Statutes be amended as follows:

Article 3862. The government of the Agricultural and Mechanical College of Texas shall be vested in a board of eight directors (one of whom shall be the Commissioner of Agriculture, Insurance, Statistics and History as provided in Article 2921, Revised Civil Statutes, and whose tenure of office shall be governed by the act under which he is appointed), who shall reside in different portions of the State; who shall be appointed by the Governor, by and with the advice and consent of the Senate. The members of the present board shall continue to exercise their duties until the expiration of their respective terms.

Article 3863. The board of directors shall be divided into classes, numbered one, two, three and four, as determined by the Governor; shall hold their office two, four, six and eight years, respectively, from the date of their appointment and until their successors are appointed and qualified. Two members shall be appointed at each session of the Legislature to supply the vacancies made by the provisions of this article, and in the manner provided for in the preceding article, who shall hold their office for eight years respectively.

Article 3868. Said directors shall serve without compensation, but shall receive their actual expenses incurred in attending the meetings of the board or in the transaction of any business of the college imposed by said board.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. The fact that the terms of the present board of directors will expire in June next, and there being no law providing stability in the government of said college creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 103, nays 1.]

Approved March 9, 1899.

Became effective March 9, 1899.

## CASS COUNTY ROAD SYSTEM.

S. B. No. 47.]

## CHAPTER XXII.

An Act to be entitled an act to create and maintain a more efficient public road system for Cass county.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county commissioners of Cass county shall be ex-officio road commissioners of Cass county and shall be empowered by the commissioners' court to employ a competent surveyor or civil engineer, who shall be a resident of the county, to make a plan and suitable map for a public road system for the county, including an estimate of the cost of laying out such system and constructing same in accordance with the provisions of this act, and whose salary shall be fixed by the said commissioners' court not to exceed \$3.00 (three dollars) per day for each day he is actually engaged in making this survey and estimate, and those commissioners acting as the road commissioners of their respective districts as hereafter provided for in this act, shall aid such surveyor or engineer in their respective districts, in any way he may need to enable him to perform his duties so that the system of roads laid out may benefit the greatest number of people of the county, in the transaction of their business, and these county commissioners as road commissioners, in their respective districts shall have charge of and be responsible for, all the teams, tools, and other implements belonging to the county while they may be in use in their districts; and shall receipt to the county judge for the same when they are taken charge of by them respectively, and when returned to the county judge he shall cancel such receipts, calling upon three taxpayers of the county to view the property, and assess the damages, should such exist to the property, other than necessary wear and tear from use, or which may be charged to the negligence of such commissioner, the county being charged with the necessary feed and repairs other than from the negligence of the commissioner.

SEC. 2. The public roads of the county shall be divided into three classes, as follows: First class roads to be 20 (twenty) feet wide from a ditch on one side to a ditch on the other side; to be oval on the surface, and 10 (ten) inches higher in the center of the grade than on the sides, and not to rise or fall in its lineal course more than 9 (nine) inches to the 5½ (five and one-half) yards. Second class roads to be 16 (sixteen) feet wide from ditch to ditch, as in the first class roads, oval on the surface, (8) eight inches higher in the middle than on the sides of the grade, and not to rise or fall in lineal course more than 12 (twelve) inches to the 5½ (five and one-half) yards. Third class roads are to be 12 (twelve) feet wide, cleared of all obstructions, and ditched on both sides, which ditches may be made with an ordinary plow, and by raking the loose earth to the middle from either side; the ditches are to be made in each class of roads, except the third, of sufficient capacity to carry off all water and to prevent its breaking across the road bed, except in places prepared for such crossing of surplus water, which places or fords are to be lined with stone, or other material which ordinary floods will not move, or culverts are to be made in such places if more suitable; and side or drain ditches are to be made in suitable places into which surplus water may be emptied,



and carried away from the road bed, and all stumps, rocks or other obstructions must be removed entirely from all of the public roads of every grade, so that any kind of carriage, or ground slide may safely be propelled along its entire length or course.

SEC. 3. All bridges are to be constructed in a substantial manner and of sufficient width to permit the passage of two vehicles of ordinary width, and of sufficient elevation to put them out of danger of floods, and may be constructed under contract, as now provided for by law.

SEC. 4. Each county commissioner of said county is hereby constituted a road supervisor for his commissioner district, and as such, shall in addition to his bond as a county commissioner, give a bond for (\$1,000) one thousand dollars, properly secured, conditioned upon the faithful performance of all the duties required of him by this act, and it shall be the duty of the district judge of this judicial district to charge the grand jury at each term of the district court, to diligently inquire into and faithfully report all delinquencies of duty by these officers, and to indict all such delinquents in the ordinary way as other officers are indicted for negligence, inefficiency or malfeasance in office.

SEC. 5. It shall be the duty of the county commissioners to require a bond from the surveyor or engineer provided for in Section 1 of this act, in the sum of \$2,000.00 (two thousand dollars), conditional upon his faithful performance of the duties required of him by this act, and all forfeitures or reclamations under this act of whatever nature are to be placed to the credit of the Cass county road and bridge fund, an account with which shall be opened by the county treasurer and kept open, showing all accounts charged and credited, as per the provisions of this act.

SEC. 6. It shall be the duty of the county commissioners of said county, when the surveyor or engineer named in Section 1 of this act has made his report, to see that this report shows at least one public road of the first class, as heretofore defined in this act, is laid out to pass through each county commissioners' commission district, and terminate at Linden, the present county site of Cass county, or which may terminate after passing through the said commissioners' commission district into another road of the first class, which road termination in Linden, if to do so will lessen cost of construction and not inconvenience a majority of the citizens in such district or districts.

SEC. 7. Since a compliance with the provisions of this act will necessarily compel many changes in the public roads now existing in this county, the county commissioners' court of Cass county, in its first regular term after receiving a report of the county road surveyor and engineer, as provided for in this act, shall at once proceed to vacate or kill all the public roads that will become useless under a compliance with this law, and shall at once proceed to acquire the right of way for the new road which they may approve, in the same way that railroad companies now acquire their rights of way through private property, except that in no case will the county be required to make a bond, and they are hereby empowered to enter into the necessary proceedings for condemnation of property, assessment of damages and all other things necessary to the carrying out of the provisions of this act; the county judge's draft upon the treasurer, when countersigned by the county clerk, who must certify to the entry of judgment for damages, being the treasurer's voucher for the payment of any and all damages to property coming under the provisions

of this act, and it is hereby stipulated that no public road as mentioned in this act shall be laid off so as to pass within 100 (one hundred) feet of any house or barn belonging to any individual, without the consent in writing of the owner of such house or barn, which written consent shall be filed and kept in the records of the county commissioners' court of the county, nor shall such public road pass through any grounds owned by a church, or any cemetery, or school community, nor through any orchard or ornamental grounds, kept for the adornment of any residence in the county, without such permission of the owner.

SEC. 8. It is hereby made the duty of the county commissioners' court, at any regular term, to appoint road overseers for each public road in the county, and to remove the same when they prove inefficient or incapable, the term of office of such overseers to be as now provided for by law, and the commissioners' court shall also apportion all the able bodied male citizens of the county to these roads as now provided for by law, and these overseers and road hands are hereby placed under the supervision of the county commissioners of the precinct in which they may reside, and no hand is to be excused from service on the road for a term of ten days in each year, for any temporary sickness or disability, but each one must work the full ten days in each year, and in case of removal from one section to another of the county the road overseer may, upon request of such road hand, give him a certificate showing the number of days he has actually worked during the year, and such hand will be due the remainder of the time to the county, wherever he may reside in it, and he must be required to work his full time out unless excused in accordance with Section 9 of this act.

SEC. 9. Any able bodied male person residing in this county, and subject to road duty, may, by paying the sum of \$6.00 (six dollars) to the overseer of the road to which he is apportioned, who shall give his receipt for same, expressing that it is in lieu of road service for that year, and who exhibits such receipt to the person warning him, such receipt will be sufficient excuse when shown to the person warning him to work the road, the warner making a note of such receipt and returning same to the county commissioner of his precinct, and no other persons except ministers of the gospel who are actually in charge of a church or churches, unless they are excused under the General Laws of the State of Texas from road service, are to be excused from road work under this act.

SEC. 10. It is hereby made the duty of the county commissioners to have all the county convicts, not otherwise employed by the county, placed under proper guards and made to work the roads in such places as may need repairs, such as washouts and bottoms that become muddy and require special attention, and they shall be allowed all medicines, medical attention and board, and to be allowed 50 cents per day for each day's labor of eight hours, all to be placed to the credit of the fines imposed upon them by the trial court, and after all the fines have been paid then 50 cents per day shall be allowed for future service to each one until one-half the court costs has been paid, which one-half of costs are to be paid to the proper officers of the court, an allowance of one-half the court costs is thus made for the faithful service and good behavior on the part of each convict, but nothing is to be herein construed limiting the time of service of any convict who may be unruly, or require force on the part of the guards to compel such convict to render such service, and the county commissioner

in whose precinct such convicts are at work, are hereby authorized to use such means as are now resorted to by the State authorities, to exort [exact] service on the road from any county convict, and it is expressly understood that when convicts become unruly, and refuse to work, and force is necessary to be used, then no time allowance whatever is to be granted such convicts; but such convict shall be compelled to serve out the full term required at the rate of 50 cents per day for service; and the usual rewards and their payment for the capture of escaped county convicts are to apply to all such as may escape while engaged in this road service in this county, but no reward is ever to be paid to any guard who may be employed by the county, for the arrest of any county convict.

SEC. 11. For the service demanded of county commissioners in carrying out the provisions of this act each one is entitled to ex-officio pay of \$2.00 (two dollars) per day for each day he may be engaged in the actual work of supervising the laying out of the roads and the working of same under the provisions of this act, and no allowance will be made any commissioner in future for viewing roads, letting or receiving bridges, etc.

SEC. 12. It shall be the duty of the county commissioners' court, so soon as they may approve the road system mapped out by the surveyor, as contemplated in this act, to at once purchase road machines, scrapers, shovels, picks and other tools necessary for the rapid construction of the roads, such teams as will be constantly needed to keep the roads in repair are only contemplated in this section, paying for same out of the road and bridge fund of the county, and each road commissioner, as specified in this act, shall be the proper custodian of this property while in his district, and the commissioners' court of the county shall be the proper custodian of this property at all other times.

SEC. 13. It shall be the duty of the road commissioners of the respective districts, to inform the road overseers of the various public roads in his precinct of the number of teams, plows, wagons and tools usually used on farms and in ordinary business of the county, that he may need in the working of his road, and to have him to warn suitable persons to bring such teams and wagons, plows or any other tools, for service on the roads, and for teams thus used on the public working of roads, the commissioners may allow pay for the owners at the rate of \$1.50 per day for double teams and wagon, and 75 cents per day for single team and wagon.

SEC. 14. It shall be the duty of the hands after being warned by a proper person, as now provided for under the General Laws of the State of Texas, to promptly repair to the place and at the time warned to appear and to report to the county commissioner or the overseer of the road, and to proceed to work under their direction; and it shall be the duty of the road overseer to keep a record of the time each hand actually works on the road, and any hand or hands that slights his work or becomes unruly may be discharged from the work and sent away, and such hand or hands must be reported by the overseer to the nearest justice of the peace, who shall proceed against such hand as if he had not appeared or refused to work on the road, and this action shall not bar the further charge or charges of disorderly conduct or such charge as may cover his actual conduct on the occasion.

SEC. 15. And in order that the provisions of this bill may be carried out, and further, if it is found necessary, in order to raise the funds to meet the costs of this road system, the county commissioners' court of Cass

county, are hereby authorized, if in their judgment it become necessary, to assess and collect a tax on all the property of the county not to exceed 15c. (fifteen cents) on the \$100.00 (one hundred dollars) of valuation, this tax to be known as a road and bridge tax, and it is to be applied only to the laying out and construction of public roads and bridges in this county, as mapped out and described in this act; and for no other purpose, and it is understood that all other funds that are now used for road and bridge purposes, are to be continued as they are now used, and the tax specified and authorized by this section is to be considered supplemental thereto, and in no case shall the tax contemplated added to any other road or bridge tax, ever exceed the sum of 15c. (fifteen cents) on the \$100.00 (one hundred dollars) of taxable values in this county for road and bridge purposes.

SEC. 16. This act is to be construed as cumulative of the General Laws of Texas, and when a conflict may be found, then this act is to be in force as far as Cass county is concerned.

SEC. 17. As this act contemplates a system of terraced roads for Cass county, which will necessarily take a number of years to complete, nothing in this act is to be construed to prevent the assessment and collection of road and bridge taxes not to exceed 15 cents per \$100.00 of taxable values in this county, when an election for that purpose has been held according to law in said county.

SEC. 18. The great necessity for this law, there being no law now existing upon the subject which will enable the people of this county to construct a public road system, creates a public necessity, and emergency requiring that the rule that bills be read on three several days in each house be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0; and reported to the House of Representatives, where it was amended and reported back to the Senate, and amendment was concurred in, vote not given, and passed the House of Representatives by a two-thirds vote, yeas 87, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the ninth day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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## STATE REVENUE AGENT—DUTIES AND POWERS.

S. B. No. 67.]

### CHAPTER XXIII.

An Act to amend Article 5058, of the Revised Civil Statutes of 1895, of the State of Texas, as passed in 1891, relating to the duties of Revenue Agent.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 5058, of the Revised Statutes of the State of Texas, as revised in 1895, shall be so amended as to read as follows:

Article 5058. The Governor is authorized to appoint a suitable person

as Revenue Agent for the State for the purpose of securing a better enforcement of the revenue laws of the State. The agent provided for herein shall be known as the State Revenue Agent. Said Revenue Agent shall be subject to the direction of the Governor, who may, whenever in his judgment the public service demands it, direct the said Revenue Agent to investigate books and accounts of the assessing and collecting officers of this State, and all officers and persons disbursing, receiving or having in their possession public funds, and to make such other investigations and perform such other duties in the interest of the public revenues as the Governor may direct. Whenever any such investigation is ordered by the Governor the Revenue Agent shall report to him in writing the results of such investigation, and point out the particulars, if any, wherein the revenue laws have been violated, their enforcement neglected, together with the names of the parties delinquent therein. Whereupon the Governor shall institute civil and criminal proceedings, through the Attorney-General, in the name of the State, against such delinquent parties who are reported by such agent to be delinquent. Said Revenue Agent shall have power at any time to examine and check up all and any disbursements or expenditures of money appropriated for any of the State institutions or for any other purpose or for any improvements made by the State on State property, or money received and disbursed by any board authorized by law to receive and disburse any State money. Said Revenue Agent shall also have power and authority, and it is hereby made his duty, to fully investigate any and all State institutions when so directed by the Governor or required by information coming to the knowledge of said agent. He shall investigate the manner of conducting the same and the policy pursued by those in charge thereof, and the conduct or efficiency of any person employed therein by the State. He shall examine into and report upon the character and manner, as well as the amount of expenditures thereof. He shall also investigate and ascertain all sums of money due the State from any source whatever; the ascertainment and collection of which does not devolve upon other officers of this State under existing law. And he shall report all such facts to the Governor, who shall proceed therein as provided by this or any other law of this State.

SEC. 2. An imperative public necessity exists for the passage of this bill, and the constitutional rule requiring bills to be read on three several days is hereby suspended, and this act be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, and referred to the House of Representatives, where it was amended; Senate concurred in House amendments, vote not given; and passed the House of Representatives by a two-thirds vote, yeas 104, nays 0, after being amended.]

Approved March 9, 1899.

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## SABINE AND SAN AUGUSTINE COUNTIES—SCHOOL SYSTEM.

H. B. No. 140.]

### CHAPTER XXIV.

An Act to transfer Sabine and San Augustine counties from the district school system to the community school system, and to authorize and empower said counties to organize and conduct all of their public free schools under the community system, as provided by the laws now in force.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the counties of Sabine and San Augustine be and the same are hereby transferred from the district school system to the community school system, and said counties are hereby authorized and empowered to organize and conduct all of their public free schools under the community school system, as provided by the laws now in force.

SEC. 2. Whereas, under the community system the assessors will have to take the scholastic census; and whereas, said assessors will soon be at work, an emergency and a public necessity are created, requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 99, nays 1; Senate amendments concurred in by a two-thirds vote, yeas 87, nays 0; and passed the Senate by a two-thirds vote, yeas 23, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the ninth day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective March 22, 1899.

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## SOUTHERN KANSAS RAILWAY COMPANY OF TEXAS—CONSOLIDATION WITH PANHANDLE RAILWAY COMPANY.

H. B. No. 123.]

### CHAPTER XXV.

An Act to authorize the Southern Kansas Railway Company of Texas to purchase the Panhandle Railway, and to operate the same under the charter of the Southern Kansas Railway Company of Texas, as a part of its own line, with the right to extend the same, and to construct branches therefrom, by amendment of its charter, under the General Laws of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Southern Kansas Railway Company of Texas is hereby authorized and empowered to purchase the Panhandle Railway, extending from Washburn to Panhandle, a distance of 14.72 miles, together with all the property, real, personal or mixed, incident or pertaining to the said

railroad; and the owner or owners of the said Panhandle Railway, and of such property incident or pertaining thereto, are authorized and empowered to sell, transfer and convey the same to The Southern Kansas Railway Company of Texas; and when the said property is purchased by The Southern Kansas Railway Company of Texas, it said The Southern Kansas Railway Company of Texas shall and it is hereby authorized to own and operate the same under its charter as a part of its own line, and shall have the right by amendment of its charter, under the general laws of the State, to extend and construct branches of the said road, or the extensions thereof.

SEC. 2. The said The Southern Kansas Railway Company of Texas shall not pay more for the said property than the valuation fixed on the same by the Railroad Commission of Texas. In addition to the stocks and bonds heretofore issued by it the said The Southern Kansas Railway Company of Texas is hereby empowered and authorized to issue its stock and bonds, either or both, to make payment for the said property, but the said stock and bonds shall not be so used at less than their par value, and before the same shall be issued they shall be approved by an order of the Railroad Commission of Texas, and registered by the Secretary of State; provided, that The Southern Kansas Railway of Texas, in consequence of the permission hereby given to purchase the said Panhandle Railway, shall not assume any part of the outstanding bonded indebtedness of the Panhandle Railway amounting to five hundred thousand dollars, or merge or consolidate any of such indebtedness with the present stock or bonded indebtedness of The Southern Kansas Railway Company of Texas, except as to the purchase price of said Panhandle Railway as permitted by the Railroad Commission of Texas.

SEC. 3. The fact that the public interest will be promoted by the purchase of the said property by the said The Southern Kansas Railway Company of Texas, and the great number of bills now pending before the Legislature, creates an imperative public necessity and emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is so suspended, and that this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, vote 19 yeas, 2 nays.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the ninth day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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## APPROPRIATIONS—DEFICIENCY BILL.

S. H. B. No. 43.]

## CHAPTER XXVI.

An Act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the State government, from March 1st, 1895, to February 28th, 1899, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the following sums, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated for deficiencies incurred in support of the State government for the period beginning March 1, 1895, and ending February 28, 1899.

Deficiencies under Article 2828, Revised Statutes of 1895:

## JUDICIARY DEPARTMENT.

Fees for county judges, justices of the peace, sheriffs and constables in examining trials for the year ending February 28, 1898:

Registered .....	\$12,842 05	
Estimated .....	157 95	\$13,000 00

Fees for county judges, justices of the peace, sheriffs and constables in examining trials from March 1, 1895, to February 28, 1899:

Estimated .....		23,000 00
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Fees for attached and subpoenaed witnesses for year ending February 28, 1898:

Registered .....	89,359 73	
Estimated .....	640 27	90,000 00

Fees for attached and subpoenaed witnesses for the year ending February 28, 1899:

Registered .....	37,604 79	
Estimated .....	37,395 21	75,000 00

## COURT OF CRIMINAL APPEALS.

Clerks' fees in felony cases for the year ending February 28, 1898:

Registered .....	220 00	220 00
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Contingent expenses for the year ending February 28, 1898:

Registered .....	59 75	59 75
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Deficiencies under Chapter 46, General Laws of 1897:

## JUDICIARY—COURT OF CIVIL APPEALS, FIRST DISTRICT.

Registered deficiency for 1897-'98.....	98 80	
Registered deficiency for 1898-'99.....	134 07	
Estimated deficiency until February 28, 1899..	65 00	297 87



## COURT OF CIVIL APPEALS, SECOND DISTRICT.

Registered deficiency up to February 28, 1899..\$	247 96	\$	247 96
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## COURT OF CIVIL APPEALS, THIRD DISTRICT.

Deficiency up to March 1, 1898.....	85 25		
Estimated deficiency February 28, 1899.....	70 00		155 25

## MISCELLANEOUS DEFICIENCIES.

## Railroad Commission:

Total registered and estimated deficiencies to February 28, 1899.....	2,423 51		2,423 51
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## ORPHAN ASYLUM.

Maintenance of inmates, registered and estimated for year ending February 28, 1899....	10,881 40		10,881 40
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## DEAF AND DUMB ASYLUM.

Estimated deficiencies for maintenance until February 28, 1899.....	1,800 00		1,800 00
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## HOUSE OF CORRECTION AND REFORMATORY.

Estimated deficiencies for maintenance until February 28, 1899.....	739 73		739 73
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## QUARANTINE DEPARTMENT.

Registered deficiencies for 1898-'99.....	3,748 59		
Estimated deficiencies for January and February, 1899.....	3,325 00		7,073 59

## CONFEDERATE HOME.

Registered deficiencies to January 31, 1899...	4,997 91		
Estimated deficiencies for February, 1899.....	1,502 00		6,499 91

## EDUCATIONAL DEPARTMENT.

For printing for ending February 28, 1899....	750 00		750 00
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## PAY OF SPECIAL JUDGES.

Under Articles 4841 and 4842, Revised Statutes of 1895, commissioned by the Governor, and also for special judges elected by the bar or agreed upon by the parties or their attorneys, and pay of special judges of the Courts of Civil Appeals for the two years ending February 28, 1899.....	15,000 00		15,000 00
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## DEPARTMENT OF STATE.

For the year ending February 28, 1899:

1. To Eugene Von Boeckmann Publishing Company, for stationery, printing, book, files, etc., duly sworn to and account approved by the Expert Printer and Printing Board, now in the hands of D. H. Hardy, Secretary of State, amount to.....\$	72	70	
2. To George P. Assman, for repairing, cleaning and changing combinations and locks, and repairing on furniture in Department of State, duly sworn to and approved by Expert Printer and Printing Board, amount to.....	7	00	
3. Corner's Book Store, for repairing typewriter, duly proven and certified to as other bills .....	3	75	
4. To Hamilton Jones, for washing for the months of December, 1898, January and February, 1899, duly proven.....	2	25	
5. To Austin Book and Stationery Company, for repairing one typewriter, duly proven and approved as aforesaid.....	2	50	
6. To two volumes Sayles' Annotated Statutes, duly proven and approved as aforesaid .....	12	00	
7. To repairing clocks in office, duly proven and approved.....	2	75	
8. To drayage and carrying of mail from office of Secretary of State to postoffice.....	1	50	\$ 104 45
For pay of fees in felony cases decided at Dallas term, 1899.....	290	00	290 00

SEC. 2. Whereas, there being no appropriations to pay claims against the State herein provided for which are outstanding and are legal claims against the State, creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule which requires bills to be read on three several days in each house, and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 103, nays 6; House of Representatives concurred in Senate amendments; and passed the Senate as amended by a two-thirds vote, yeas 22, nays 1.]

Approved March 10, 1899.

## DISTRICT COURT—TWENTY-NINTH JUDICIAL DISTRICT.

H. B. No. 649.]

## CHAPTER XXVII.

An Act to amend Subdivision 29, of Article 22, Title 4, of the Revised Civil Statutes of the State of Texas, so as to change the times of holding the district court in the Twenty-ninth Judicial District, except in Coryell county, and to extend the time of holding the court in the county of Erath.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Subdivision 29, of Article 22, of Title 4, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Subdivision 29. The Twenty-ninth Judicial District shall be composed of the counties of Palo Pinto, Hood, Somervell, Erath, Hamilton and Coryell, and the terms of this district court shall be begun and holden therein each year as follows:

In the county of Coryell on the third Monday in January and July, and may continue in session five weeks.

In the county of Hamilton on the fifth Monday after the third Monday in January and July, and may continue in session four weeks.

In the county of Somervell on the ninth Monday after the third Monday in January and July, and may continue in session two weeks.

In the county of Erath on the eleventh Monday after the third Monday in January and July, and may continue in session eight weeks.

In the county of Hood on the nineteenth Monday after the third Monday in January and July, and may continue in session three weeks.

In the county of Palo Pinto on the twenty-first Monday after the third Monday in January and July, and may continue in session three weeks.

SEC. 2. That all process and writs heretofore issued or which may be issued up to the time this act takes effect by or from the district court of said county, and made returnable to the terms of said court as now fixed by law, shall be returnable to the next ensuing term of said court, as prescribed by this act, and all such writs and process are hereby legalized and validated as if the same had been made returnable to the term of said courts as fixed by this act.

SEC. 3. Whereas, the time now allowed for the terms of the district court of Erath county is not sufficient, and the docket of said court by reason thereof is greatly crowded, having two hundred and eighty-six cases now pending in said court for trial at its next term, some of which are of long standing and ought to be disposed of, and the near approach for the time of holding the spring term of said court renders it necessary, and creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 95, nays 0; and passed the Senate by a two-thirds vote, yeas 24, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the tenth day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections

thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective March 23, 1899.

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## B. F. GOHLSON AND J. W. BENSON—PERMISSION TO SUE STATE.

H. B. No. 400.]

### CHAPTER XXVIII.

An Act granting permission to B. F. Gohlson and J. W. Benson, or their assigns, to bring suit against the State of Texas, in the district court of Lampasas county, to ascertain the amount, if any, is due them for services rendered the State as rangers or soldiers.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That B. F. Gohlson and J. W. Benson, or their assigns, are hereby granted permission to bring suit against the State of Texas, in the district court of Lampasas county, to ascertain and fix the amount, if any, the State is indebted to the said B. F. Gohlson and J. W. Benson, respectively, for military services rendered on the frontier of Texas between the years of 1857 and 1862.

SEC. 2. Either party shall have the right to appeal, and any judgment finally established against the State shall be a liquidated debt, which shall be paid by the State.

SEC. 3. The crowded condition of the calendar and the impoverished condition of the parties asking this permission, creates an emergency necessary for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act shall take effect and shall be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 90, nays 5; and passed the Senate by a two-thirds vote, yeas 24, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the thirteenth day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective March 25, 1899.

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## DENTON COUNTY ROAD SYSTEM.

H. B. No. 77.]

## CHAPTER XXIX.

An Act to provide for a special road law for Denton county, Texas, to empower the commissioners of said county with special authority to act as road commissioners for said county with power to purchase teams and tools for said work; to summon any one subject to road duty; also providing for penalty for failure to work; also providing for working upon public roads those who have not paid poll tax; with penalty for failure to work; also providing for amount that may be paid by each tax-payer in lieu of work; also compensation for commissioners when engaged in this duty.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners' court of Denton county shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners' court shall have charge of all teams, tools and machinery belonging to the county, and placed in their hands by said court, and it shall be their duty, under such rules and regulations as the commissioners may prescribe, to superintend the laying out of new roads, the making or changing of roads, and building bridges.

Each of said commissioners shall, before entering upon the duties of their office as road commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or the commissioners' court, and that they will account for all moneys or property belonging to the county that may come into their possession; provided, that with the consent of the commissioners' court, any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of county commissioners in this section, and such deputy road commissioner shall be entitled to the same compensation that is allowed the county commissioner for the same service performed; that county commissioners shall not be allowed any compensation as road commissioner, when a deputy road commissioner has been appointed.

SEC. 2. The commissioners' court of said county shall have full power and authority, and it shall be their duty to adopt such system for working, laying out, draining, and repairing the public roads in said county as they may deem best, and from time to time such county may change its plans or system of working.

Said commissioners' court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads.

Said court shall have power to construct, grade or otherwise improve any road or bridge by contract; in such case said court or the county judge may advertise in such manner as such court may deem best for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into a bond payable to the county judge of said county, for the use and benefit of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids; and said contract shall be paid out of the road and bridge fund, and said

court shall have the authority to employ any hands or teams to work on the roads under such regulations and for such price as they may deem best.

SEC. 3. The commissioners' court of said county shall require all county convicts to labor on the public roads, under such regulations as it may prescribe, and each convict so worked shall receive a credit of fifty cents per day on his fine first and then on the costs, for each day he may labor on said roads, and the commissioners' court may, at a regular term, allow to the officers and witnesses such amount of their costs for the arrest and conviction of said convict as it may deem best; provided, it shall not allow to any officer a greater amount than one-half of their costs, as is allowed under the present fee bill, which amount shall be paid to the officers out of the road and bridge fund on the warrant of the county judge, when said fine and costs shall have been worked out as provided in this section; provided, that this shall not be construed as to relieve any convict from all costs for which he would be liable under the General Laws of this State.

The commissioners' court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior; provided, that such commutation shall in no case exceed one-tenth of the whole time.

The commissioners' court may provide the necessary house or houses, prisons, tents, clothing, bedding, food, medicine and medical attention and guards for the safe and humane keeping of convicts.

SEC. 4. County commissioners shall have control of all road overseers in their precincts, and such overseer shall call out the hands and teams in his respective precinct as may be required by the county commissioners to work in connection with the county's regular organized road gang, or in repairing roads or building bridges, and such hand shall receive credit on his time two dollars per day for himself, team and wagon, or for himself, team with plow or scraper, for every day so worked.

SEC. 5. It shall be the duty of the county commissioner, when acting as road commissioner, to inform himself of the condition of the roads in his district, and he shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all road overseers in his district.

SEC. 6. The commissioners may require each road overseer in his district to call out the hands in such number as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, unless the term of service as prescribed by the General Laws be extended beyond that time; and provided, that all road hands in a particular district shall, as far as practicable, be worked a uniform time.

Each road overseer shall have full control of all road hands within his road district, and he shall see that each hand when called out shall perform a good day's work, and if any hand, when so called out, shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 7. Any citizen of Denton county liable for road duty, and who shall, on or before the first day of February in any year, pay to the county

treasurer the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of February.

The treasurer shall receive and receipt for all money so paid to him, and place the same to the credit of the road and bridge fund, and he shall keep a separate account for each commissioner's precinct.

The treasurer shall at the regular February term furnish to each commissioner a list of all persons in their respective precincts that have paid said sum as provided in this section.

SEC. 8. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening or draining any road, or any part thereof, if the owner of such land and the commissioners' court cannot agree upon the damage to be paid, the county may proceed to condemn the same in the manner that a railway company can condemn land for right of way, and the same proceedings may be had and the same rights shall exist to each party as would exist as if the proceedings were by a railway company, except the county shall in no case be required to give a bond.

SEC. 9. Every owner of a farm or other lands upon which a hedge of any description grows on or near a public road, shall be required to keep the same trimmed so that the height of the same shall not exceed six feet from the level of the ground; any such owner who shall fail, or neglect to so trim such hedge shall be notified in writing by the road overseer of that precinct or the county commissioner to trim such hedge, as is herein required, and if such owner shall, after receiving such notice, fail or refuse to so trim such hedge within thirty days, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed \$25.00 per week from and after the time such notice was given, such fine to be paid into the county treasury and to be placed to the credit of the road and bridge fund of said county; and if any owner of any farm, shall fail or refuse after being notified as herein required to trim his hedge, as required by this act, then the road overseer shall cause the same to be trimmed in accordance with the provisions of this act.

SEC. 10. Each county commissioner, when acting as road commissioner, and performing the duties imposed upon him by law or by the commissioners' court, shall be entitled to two dollars per day for the services actually performed, provided that he shall not receive more than forty dollars per quarter, which amount shall be paid quarterly out of the road and bridge fund when the account shall have been allowed by the commissioners' court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, true and unpaid, and specifying the number of day's work actually performed by him, and that it was necessary to be done, and no commissioner shall be entitled to pay while he is performing the duty of county commissioner, nor shall he be entitled to any other pay for supervising public roads except what is allowed by this act.

SEC. 11. This act shall be taken notice of by all courts in the manner as the General Laws of this State, and it shall be construed cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to the county of Denton.

[NOTE.—The foregoing act was presented to the Governor of Texas for

his approval on the thirteenth day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

## DISTRICT COURTS—THIRTEENTH JUDICIAL DISTRICT.

H. B. No. 529.]

### CHAPTER XXX.

An Act to change and fix the times of holding the terms of the district courts of the Thirteenth Judicial District.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the several terms of the district court in the counties composing the Thirteenth Judicial District shall be held at the time and for periods as follows:

In the county of Limestone on the first Monday in January and on the third Monday in June, and each term may continue in session six weeks.

In the county of Freestone on the sixth Monday after the first Monday in January, and on the first Monday in September, and each term may continue in session four weeks.

In the county of Navarro on the tenth Monday after the first Monday in January and on the fourth Monday after the first Monday in September, and each term may continue in session twelve weeks.

That all process and writs heretofore issued or which may be issued up to the time this act takes effect by or from the district courts of said counties, and made returnable to the terms of said courts as now fixed by law, shall be returnable to the next ensuing terms of said courts as prescribed by this act and all such writs and process are hereby legalized and validated as if the same had been made returnable to the terms of said court as fixed by this act; and whereas the district court in Navarro county is now in session and the effect of this act is to prolong the term three weeks, making a twelve weeks' term instead of a nine weeks' term as now provided by law; and whereas by this act the June term of said court is abolished, be it further enacted that the judge of said court may appoint a jury commission during the present term of said court to select petit jurors to serve for such weeks of said term as jurors have not already been selected for.

SEC. 2. All laws and parts of laws in conflict with this act shall be and the same are hereby repealed from and after the taking effect hereof.

SEC. 3. This act shall take effect and be in force from and after the passage hereof, and all process hereafter issued shall conform to the terms as here fixed, and all process issued or that may be issued to the terms as fixed by pre-existing law is hereby made returnable to the terms as herein fixed.

SEC. 4. The orderly conduct of the business of the several terms of the courts as herein fixed creates an emergency that this act take effect and be in force from and after the date fixed by it, and it is so enacted, and the same facts create an imperative necessity that the rules requiring the



reading of bills for three several days be suspended, and they are so suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 91, nays 0; and passed the Senate by a two-thirds vote, yeas 24, nays 1.]

Approved March 14, 1899.

Became effective March 14, 1899.

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## COMMISSIONERS' COURTS—NOTICES.

### S. B. No. 31.]

### CHAPTER XXXI.

An Act to be entitled an act to provide a final method of publishing notices and reports required by law to be published by commissioners' courts of the various counties of the State, to be effective in all cases where said courts are unable to secure publication thereof in the manner and for the price now provided by law therefor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the commissioners' court of the county, whenever unable to secure the publication of any notice or report required by law to be given or made by such court in the manner, and for the fee or fees provided by law therefor, such notice or report may be made and published in the following manner: The court shall cause to be made four true copies of such notice or report containing the same subject matter as is required to be set out in such notice or report under the law providing for the issuance and publication. One of said copies shall be posted at the court house door of the county, and one of said copies shall be posted at some public place in each of the commissioners' precincts of said county for thirty days prior to the next succeeding term of the commissioners' court of said county, and no two of such copies shall be posted in the same town or city.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. The great importance of the safety and protection of the public funds of the counties of this State, and the absence of any law adequate to safely guard the same through public notice, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 96, nays 0.]

Approved March 15, 1899.

Became effective March 15, 1899.

## TRINITY COUNTY—DISTRICT COURT.

H. B. No. 133.]

## CHAPTER XXXII.

An Act to amend Section 12, of Article 22, Title 4, of the Revised Civil Statutes of the State of Texas, changing the time of holding district court in Trinity county.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 12, Article 22, Title IV, of the Revised Civil Statutes of the State of Texas be amended so as to hereafter read as follows:

The Twelfth Judicial District shall be composed of the counties of Trinity, Walker, Madison, Leon and Grimes, and the district court shall be held in said counties as follows:

In the county of Trinity on the first Monday in February and August, and may continue in session three weeks.

In the county of Walker on the third Monday after the first Monday in March and September, and may continue in session three weeks.

In the county of Madison on the sixth Monday after the first Monday in March and September, and may continue in session three weeks.

In the county of Leon on the ninth Monday after the first Monday in March and September, and may continue in session three weeks.

In the county of Grimes on the twelfth Monday after the first Monday in March and September, and may continue in session until the business is disposed of.

This act shall take effect and be in force from and after August 1, 1899.

SEC. 2. That all processes and writs heretofore issued or which may be issued up to the time this act takes effect by or from the district court of said county and made returnable to the terms of said court as now fixed by law, shall be returnable to the next ensuing term of said courts as prescribed by this act, and all such writs and processes are hereby legalized and validated as if the same had been made returnable to the term of said court as fixed by this act. And that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 15, 1899.

Takes effect 90 days after adjournment.

## CORPORATION COURTS.

S. S. B. No. 55.]

## CHAPTER XXXIII.

An Act to establish and create in each of the cities, towns and villages of this State a State court to be known as the corporation court in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That there is hereby created and established in each of the cities, towns and villages of this State, now or hereafter incorporated, whether by general or special act, a court to be known as the corporation court in such city, town or village, which court shall have jurisdiction and organization hereinafter prescribed.

SEC. 2. That said court shall have jurisdiction within the territorial limits of said city, town or village within which it is established in all criminal cases arising under the ordinances of the said city, town or village now in force, or hereafter to be passed, and shall also have jurisdiction concurrently with any justice of the peace in any precinct in which said city, town or village is situated in all criminal cases arising under the criminal laws of this State in which the punishment is by fine only, and where the maximum of such fine may not exceed two hundred dollars, and arising within the territorial limits of such city, town or village.

SEC. 3. Such court shall be presided over by a judge to be known as the recorder of such court in such city, town or village, who, in cities, towns or villages incorporated under special charter or charters, shall be elected or appointed in the manner and under the respective provisions of the charter now in force concerning the election or appointment of the magistrate to preside over the municipal court in such city, town or village, and all such provisions are hereby made applicable to the recorder herein provided for, and in cities, towns and villages not incorporated under special charter, such recorder shall be elected by the qualified voters of such city, town or village in the same manner as the mayor of such city, town or village, and whose term of office shall be the same as such mayor; provided, that in such cities, towns and villages not incorporated and acting under special charter, the mayor of such city, town or village shall be ex-officio recorder of such court, and shall act as such unless the city council or board of aldermen of such city, town or village shall by ordinance authorize the election of a recorder.

SEC. 4. As soon as practicable after this act shall take effect, and every two years after such date, there shall be elected or appointed in each city, town or village within this State, now or hereafter incorporated, a recorder, who shall preside over the corporation court hereby created and established, and who shall be elected or appointed as provided in Section 3 above; provided, however, that whenever by the provisions of the charter under which such city, town or village is now incorporated it is provided that the magistrate now presiding over the municipal court therein is to be elected by the people, then in such case the city council of any such city, town or village may order an election for the recorder, or in its discretion may appoint the recorder, who shall hold his office until the next general election for city officers; and provided further, that wherever in any such city, town or village the office of the presiding magistrate of the municipal court therein shall not have expired when the recorder is elected or appointed therein, the said recorder first elected or appointed shall hold his term of office corresponding to the unexpired term of the said magistrate, and every two years thereafter such recorder shall be elected or appointed for a term of two years, and until his successor is elected and qualified. In case of vacancy in the office of recorder or clerk of the court in any city, town or village, such vacancy shall be filled by the council or board of aldermen for the unexpired term only; provided further, that the board of aldermen may provide by ordinance for the mayor to act as ex-officio recorder in all cities and towns not operating under special charter.

SEC. 5. There shall be a clerk of said corporation court elected by the council or board of aldermen of each such city, town or village at the same time at which the recorder is elected; but in such city, town or village it may be provided by ordinance that the city secretary shall be ex-officio

clerk of the said court, and may be authorized to appoint a deputy, who shall have the same powers as the said secretary. The clerk of said court shall hold his office for two years, and until his successor is elected and qualified. In case of an ex-officio clerk as aforesaid, who shall hold his office during his term as city secretary. It shall be the duty of said clerk to keep a minute of the proceedings of the said court; to issue all process, and generally to do and perform all of the duties of a clerk of a court as prescribed by law for the clerk of the county court in so far as the said provisions may be applicable.

SEC. 6. All rules of pleading, practice and procedure now established for the county court shall apply in said corporation court in each such city, town or village in so far as the same are applicable, except that the proceedings in said court shall be commenced by complaint in the manner and under the regulations as now provided by law in cases prosecuted before justices of the peace, and except that the recorder need not charge the jury except upon charges requested in writing by the defendant or his attorney, which such charges he shall have power to give or refuse under the same rules and regulations now applicable to the granting or refusing of such charges by the county judge in criminal cases. That complaints before such court hereby created and established may be sworn to before the recorder, clerk of said court, the city secretary, the city attorney or his deputy, each and all of which officers, for that purpose shall have power to administer oaths; or it may be sworn to before any other officer authorized by law to administer oaths; provided, that in all cities, towns and villages in this State not operating under special charters, the rules of pleading, practice and procedure now established for justices courts shall apply to said corporation courts in such cities, towns and villages in so far as the same are applicable.

SEC. 7. The said corporation court shall have a seal, having engraved thereon a star of five points in the center, and words, "Corporation Court in———, Texas," the impress of which shall be attached to all proceedings, except subpoenas, issued out of said court, and shall be used to authenticate the official acts of the clerk and of the recorder, where he is authorized or required to use the seal of office.

SEC. 8. That all prosecutions in said court, whether under an ordinance or under the provisions of the Penal Code, shall be commenced in the name of the State of Texas, and shall conclude, "against the peace and dignity of the State," and where the offense is covered by an ordinance the complaint may also conclude, "as contrary to the said ordinance," and all prosecutions in such court shall be conducted by the city attorney of such city, town or village, or by his deputy; but the county attorney of the county in which said city, town or village is situated may, if he so desires, also represent the State of Texas in such prosecutions, but in all such cases the said county attorney shall not be entitled to receive any fees or other compensation whatever, for said services, and in no case shall the said county attorney have the power to dismiss any prosecution pending in said court, unless for reasons filed and approved by the recorder of said court.

SEC. 9. That the council or board of aldermen of each such city, town or village shall, from time to time, by ordinance, prescribe such rules, not inconsistent with the provisions of this act, nor other laws of this State, as in the discretion of the council or board of aldermen may be

proper to enforce, by execution against the property of the defendant, or imprisonment of the defendant, the collection of all costs and fines imposed by such court as herein created and established, and shall also have power to adopt such rules and regulations concerning the practice and procedure in such court as said council or board of aldermen may deem proper, not inconsistent with the provisions of this act nor other law of this State, and until the passage of such ordinance all rules and regulations of such city, town or village now in force concerning the municipal courts therein and the enforcement of collection of fines and costs imposed by such court, shall be applicable to the court hereby created and established.

SEC. 10. That all costs and fines imposed by the said court in any city, town or village in any prosecution therein shall be paid into the city treasury of said city, town or village for the use and benefit of the city, town or village.

SEC. 11. That there shall be taxed against and collected of each defendant in case of his conviction before such court, such costs as may be provided for by ordinance of the said city, town or village; but in no case shall the council or board of aldermen of any such city, town or village prescribe the collection of greater costs than are prescribed by law to be collected of defendants convicted before justices of the peace.

SEC. 12. That the provisions of the Code of Criminal Procedure now in force regulating the amount and collection of jury and witness fees and for enforcing the attendance of witnesses in criminal cases tried before a justice of the peace shall, so far as applicable, govern and be applicable to the trial of cases before the corporation court herein created and established.

SEC. 13. That the judge of said corporation court shall have the power to punish for contempt to the same extent and under the same circumstances as the county judge may punish for contempt of the county court. He shall have power to take recognizances, admit to bail, and forfeit recognizances and bail bonds under such rules and regulations as now govern the taking and forfeiture of the same in the county court.

SEC. 14. That all process issuing out of said corporation court shall be served by the chief of police or any policeman or marshal of the city, town or village within which it is situated under the same rules and regulations as are now provided by law for the service by sheriffs and constables of process issuing out of the county court, so far as the same are applicable. Such court, in any city, town or village, shall hold no terms, but shall be deemed at all times open for the transaction of business; but each defendant shall be entitled to at least one day's notice of any complaint against him, if such time be demanded.

SEC. 15. That unless provided by special charter, the council or board of aldermen of each city, town or village shall, by ordinance prescribe the compensation and fees which shall be paid to the recorder, city attorney, city secretary and other officers of said court, which compensation and fees shall be paid out of the treasury of the said city, town or village. In all such cases, the fines imposed on appeal, together with the costs imposed in the corporation court, and the court to which the appeal is taken, shall be collected of the defendant and his bondsmen, and such fine and the costs of the corporation court shall, when collected, be paid into the treasury of the city, town or village. When the defendant in such cases is committed

to custody, he shall be committed to the custody of the chief of police or city marshal of such city, town or village, to be held by him in accordance with the ordinance of such city, town or village providing for the custody of prisoners convicted before such corporation courts, and said city, town or village shall be liable to the officers of the court to which the appeal is taken for the costs due them when such defendant has fully discharged such fine and costs. Such corporation court shall hold no terms, and shall be at all times open for the transaction of business.

SEC. 16. Appeals from judgments rendered by such corporation courts shall be heard by the county court, except in cases where the county courts have no jurisdiction, in which counties such appeals shall be heard by the district court of such counties, unless in such county there is a criminal district court, in which cases the appeal shall be from the corporation courts to the said criminal district court; and in all such appeals to such county court, district court or criminal district court the trial shall be *de novo*, the same as if the prosecution had been originally commenced in that court. Said appeals shall be governed by the rules of practice and procedure for appeals from justices courts to the county court, as far as the same may be applicable.

SEC. 17. That until the due and legal organization of the said court in any city, town or village, as herein provided for, the municipal court in said city, town or village, as now established, shall continue to exercise its powers and jurisdiction; that after the due and legal organization of the said corporation court, the said municipal court and the office of the judge and recorder and clerk thereof shall be and the same is hereby abolished, and the said municipal court in each city, town or village shall be entirely superseded by the corporation court and such officers herein created and established, as the same shall be and become duly and legally organized.

SEC. 18. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 19. Whereas, there exists great doubt and confusion concerning the jurisdiction of municipal courts as now established, and a great public necessity exists for the establishment in the cities, towns and villages of this State of courts of well defined and established jurisdiction, and an emergency and imperative public necessity exists that the rule requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, therefore be it so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and reported to the House of Representatives, where it was amended and passed by a two-thirds vote, yeas 77, nays 23; and reported back to the Senate; Senate concurred in amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

APPROPRIATION TO ASSIST AUTHORITIES TO SUPPRESS  
SMALLPOX AT LAREDO.

S. B. No. 262.]

CHAPTER XXXIV.

An Act to make an appropriation of two thousand dollars to assist the local authorities at Laredo, Webb county, Texas, in suppressing and abating the epidemic of smallpox now raging at that place.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the State treasury, not otherwise appropriated, to be used under the direction of the Governor and the State Health Officer in aiding the local authorities, city and county, at and near Laredo, Webb county, Texas, in suppressing and abating the epidemic of smallpox now raging at that place, and to prevent its further spread.

SEC. 2. The sum hereby appropriated shall be paid by the Comptroller upon the order of the State Health Officer, approved by the Governor.

SEC. 3. The existence of the smallpox epidemic in the county of Webb, State of Texas, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and same is hereby suspended, and that this act be in force and effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 97, nays 1.]

Approved March 15, 1899.

Became effective March 15, 1899.

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CITY AND COUNTY TREASURERS—REQUIRING THEM TO  
MAKE REPORT TO COMPTROLLER.

S. B. No. 34.]

CHAPTER XXXV.

An Act to require city and county treasurers to report condition of interest and sinking funds to the State Comptroller, to prohibit them from diverting said funds and providing penalties.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That it shall be the duty of the treasurer of each county in this State and of each city, whether incorporated under the general law or by special charter, to make an annual report to the Comptroller of Public Accounts of this State on the first day of August of each year showing the condition of the interest and sinking fund for each set of bonds of said county or city outstanding on the 30th day of June of each year, which said report shall be made under oath and shall show:

First.—The outstanding bonded indebtedness of said city or county, giving date when issued, the amount of each set of bonds, the rate of interest they bear and when they mature.

Second.—The tax levy in force to provide for the interest and sinking fund on each set of said bonds.

Third.—The amount on hand to the credit of the interest and sinking fund of each set of said bonds, showing whether in cash or securities.

Fourth.—The amount received by the said fund since last report, and from what source.

Fifth.—The disbursement from said fund since last report, and for what purpose.

Sixth.—The amount of said bonds redeemed since last report, and the amount still outstanding.

SEC. 2. No city or county treasurer shall honor any draft upon the interest and sinking fund provided for any of the bonds of such city or county, nor pay out nor divert any of the same, except for the purpose of paying the interest on such bonds or for redeeming the same, or for investment in such securities as may be provided by law.

SEC. 3. Any treasurer who shall fail to make the reports above provided, or who shall divert said fund or apply said fund for any other purpose than as above permitted, shall be subject to a penalty of not less than \$500 nor more than \$1000, to be recovered by the State, and in addition thereto shall be liable for the amount of such fund so diverted and it shall be the duty of the Comptroller of Public Accounts, whenever the reports of any treasurer shows that he has diverted said funds, or when he shall fail to make such reports, to notify the Attorney-General of the State, or the district attorney of the district in which such treasurer resides, or county attorney in counties in which there is no district attorney provided for by law, of the fact, who shall thereupon institute suit against such treasurer and his official bondsmen for the amount of such penalty and of said fund so diverted, and the amount of such penalty so recovered shall be paid into the State treasury and the amount of the diverted fund so recovered shall be paid into the county or city treasury to the credit of the fund from which it was so diverted.

SEC. 4. The importance of preserving the sinking funds and the great number of bills on the calendars of the Senate and House create an emergency and a public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved March 15, 1899.

Takes effect 90 days after adjournment.

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## FORTY-SIXTH JUDICIAL DISTRICT.

H. B. No. 146.]

CHAPTER XXXVI.

An Act to fix the time for holding the courts in the Forty-sixth Judicial District, and to repeal all laws in conflict therewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the district court shall be held in the counties composing the Forty-sixth Judicial District each year as follows:

In the county of Wilbarger, on the first Mondays in February and September, and may continue in session four weeks.



In the county of Hardeman, on the fourth Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Foard, on the seventh Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Collingsworth, on the ninth Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Childress, on the eleventh Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Hall, on the thirteenth Mondays after the first Mondays in February and September, and may continue in session two weeks, or until all the business is disposed of.

SEC. 2. That all process issued or served before this act goes into effect, returnable to the district court in said judicial district, shall be returnable to said court as fixed by the terms of this act; and said process is hereby legalized and validated, and all grand and petit jorors selected and drawn under existing laws in any of the counties of said judicial district shall be considered lawfully drawn and selected for the next term of the district court of the respective counties, held after this act takes effect, and all appearance bonds and recognizances taken in and for said court shall bind the parties therein obligated to appear at the next term of such court held under this act.

SEC. 3. That all the laws in conflict with this act be and the same are hereby repealed.

SEC. 4. The fact that one week is not sufficient time for transacting the business of the district courts of Foard and Collingsworth counties, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 98, nays 0; and passed the Senate by a two-thirds vote, yeas 25, nays 0.]

Approved March 15, 1899.

Became effective March 15, 1899.

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## TO AMEND ARTICLE 3953, REVISED STATUTES, RELATING TO ELECTION OF SCHOOL TRUSTEES.

S. H. B. No. 196. CHAPTER XXXVII.

An Act to amend Article 3953, Chapter 11, Title 86, of the Revised Civil Statutes of Texas, and to repeal all laws and parts of laws in conflict therewith, relating to the election of school trustees.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3953, Chapter 11, Title 86, be amended so as to hereafter read as follows:

Article 3953. On the first Saturday in April after the passage of this

law the qualified voters of each school district at a school district meeting for that purpose shall elect three trustees for said district who shall enter upon the discharge of their duties on the first of May next following.

They shall immediately thereafter organize by electing one of their number president and one secretary of the board of trustees.

The terms of office of said trustees shall be divided into two classes, and they shall draw for the different classes; the one drawing the number one shall serve one year, and those drawing number two and three shall serve two years, and until their successors shall have been elected or appointed and shall have qualified.

On the first Saturday in April of each year thereafter, there shall be an election in each school district for the election of a trustee or trustees, as the case may be, and the trustee or trustees so elected shall serve for two years, and until their successor or successors shall have been elected or appointed and shall have been qualified.

The trustees so elected or appointed shall, before entering upon the discharge of their duties, qualify by taking the oath to faithfully perform their duties, and shall as soon as practicable file said oath with the county superintendent or county judge.

The fact that the present law is very unsatisfactory concerning the election of school trustees, the near approach for the time for trustees' election and the great number of bills now on the calendar, create an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect immediately after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 103, nays 0; House concurred in Senate amendments by a two-thirds vote, yeas 99, nays 0; and passed the Senate by a two-thirds vote, yeas 21, nays 1.]

Approved March 15, 1899.

Became effective March 15, 1899.

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## FIFTY-FOURTH JUDICIAL DISTRICT—TERMS OF COURT.

H. B. No. 167.]

### CHAPTER XXXVIII.

An Act to change the times of holding courts in the Fifty-fourth Judicial District.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the district courts of the Fifty-fourth Judicial District shall hereafter be held as follows:

In the county of Falls, commencing on the fourth Monday in January of each year, and may continue five weeks; and on the second Monday in June of each year, and may continue in session five weeks; and on the third Monday in September, and may continue in session four weeks.

In the county of McLennan, commencing on the first Monday in March, and the third Monday in October of each year, and may continue in session until the business is disposed of.

SEC. 2. No grand jury shall be summoned for the September terms of

said district court in Falls county, unless ordered by the judge of said district.

SEC. 3. This act shall take effect and be in force from and after its passage, and all laws and parts of laws in conflict therewith be and the same are hereby repealed, and nothing in this act contained shall be construed to affect clause 53, of Article 22, Revised Statutes, except as to the time of holding courts in said district.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 92, nays 0; and passed the Senate by a two-thirds vote, yeas 25, nays 0.]

Approved March 15, 1899.

Takes effect 90 days after adjournment.

## CORPORATIONS—UNION PASSENGER DEPOTS.

S. B. No. 206.]

### CHAPTER XXXIX.

An Act to authorize corporations now or hereafter incorporated under the laws of this State for the purpose of acquiring, owning and operating union passenger depots to condemn land for the purpose of their incorporation.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That corporations heretofore incorporated or hereafter incorporated under the provisions of Articles 744a and 744b, of the Revised Civil Statutes of the State of Texas, of 1895, as amended by Chapter 42, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature of 1897, or incorporated under any other general law of this State, may secure by condemnation such land or real estate as may be necessary for the business and purposes of such corporation, including all lands necessary for depot buildings, passenger sheds, yards or tracks, requisite to the convenient use of the depot, and such corporations by such condemnation may acquire the fee simple title.

SEC. 2. As far as applicable hereto, the provisions of Chapter 8, Title 94, of the Revised Civil Statutes of the State of Texas of 1895, shall apply to and govern the proceedings of such corporation in acquiring such land or real estate by condemnation. After the award by commissioners, and pending further litigation, the corporation may enter upon and take possession of the land sought to be condemned by complying with the terms and conditions of any general laws of this State now or hereafter passed authorizing any corporation having the right to condemn to so enter upon and take possession of such land or real estate.

SEC. 3. The fact that there is now no law authorizing union depot companies to condemn the necessary real estate, constituting an impediment to the construction of such depots, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the  
4—G. L.

Senate by a two-thirds vote, yeas 24, nays 0; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the seventeenth day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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## TAXES—REDEMPTION OF LAND SOLD FOR CITY OR TOWN TAXES.

S. B. No. 122.]

### CHAPTER XL.

An Act to provide for the redemption of land sold under decree of court for taxes due an incorporated city or town, and providing that the redemption of the land so sold may be had within two years from the date of such sale, and providing the terms, conditions and penalties incident thereto.

*Be it enacted by the Legislature of the State of Texas:* SECTION 1. That all lands sold under and by virtue of decree and judgment of court for taxes due any incorporated city or town within this State may be redeemed by the owner or owners thereof within two years from the date of deed upon the payment to the purchaser, or his assigns, of double the amount so paid, including costs of court; provided, that purchaser at such foreclosure sale, and his assigns, shall not be entitled to the possession of the property sold for taxes until the expiration of two years from the date of deed.

SEC. 2. The fact that numerous sales of property, including the homestead, are being had under decree of court for taxes due incorporated cities and towns, and the owners thereof are being dispossessed and expelled therefrom under writs of possession incident to said decrees of foreclosure, and the owners of said property, in many instances, are being rendered homeless thereby, and property rights destroyed, notwithstanding the Constitution of this State provides that land sold for taxes may be redeemed by the owner within two years from the date of purchasers' deed upon the payment of double the amount of money paid for the land, therefore existing oppressive conditions create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act be put on its third reading and final passage, and it is so enacted.

Approved March 20, 1899.

Takes effect 90 days after adjournment.

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## PARKER COUNTY—ROAD SYSTEM.

H. B. No. 173.]

CHAPTER XLI.

An Act to create a more efficient road system for Parker county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of the county convicts upon the roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm as well as upon the public roads, or partly upon both, in the discretion of the commissioners' court, and making provision applicable, as far as practicable, to convicts when worked on county farms, and to provide for the summoning of teams for road work and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict with this act as to Parker county, and to authorize the commissioners' court of Parker county to create the office of superintendent of public roads and highways for Parker county, and to provide for the election of said superintendent, and defining his duties, and providing for compensation for said superintendent when elected, and prescribing bond to be given by said officer; providing for the condemnation of any land needed for the widening, straightening, changing, or draining of roads; providing for the taking of timber, gravel, earth, stone or other necessary material for the improvement of roads, and giving persons summoned to work upon roads the right to be relieved from the discharge of such duty on the payment of specific sums of money herein stipulated; providing for the collection of such sums of money by road overseers, and prescribing penalties for failure to comply with the provisions of this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners' court of Parker county shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners' court shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by said county, and it shall be their duty, under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges.

Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the commissioners court, and that they will account for all money or property belonging to the county that may come into their possession; provided, that with the consent of the commissioners' court, any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute same bond that is required of commissioners, in this section, and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation when a deputy road commissioner has been appointed.

SEC. 2. The commissioners' court of said county shall have full power and authority, and it shall be its duty, to adopt such a system for working, laying out, draining and repairing the public roads in said county as it

may deem best, and from time to time said court may change its plan or system of working.

Said commissioners' court shall have full power to purchase such teams, tools and machinery as may be necessary for the working of its roads.

Said court shall have power to construct, grade or otherwise improve any road or bridge by contract.

In such case said court or county judge of said county may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties to be approved by said court, and in such sums as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids.

At the time of making such contract, the court shall direct the county treasurer to pass the amounts to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds; same shall not be used for any other purpose and can only be paid out on the order of said court; and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best, not to exceed two dollars and fifty cents per day, of ten hours per day, for a team and driver, and not to exceed one dollar and twenty-five cents per day for day hands, and no road hand when working out his time on the road shall be required to work but eight hours per day; but when hands are hired by the day, they shall be required to work ten hours per day.

SEC. 3. The commissioners' court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and then on the cost, for each day he may labor.

The commissioners' court may provide such reasonable regulations and punishments as may be necessary to require convicts to perform good work, and may provide a reward, not to exceed ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape.

The commissioners' court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful services and good behavior, in no case to exceed one-tenth of the time.

Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine and medical attention, and guards for the safe and humane keeping of convicts.

The commissioners' court may, at a regular meeting, allow to the officers such amount of their cost for the arrest and conviction of said convict as now provided by law; provided, that said court shall not allow to any officer or officers more than one-half of the costs due them and adjudged against such convict.

The aforesaid amounts shall be paid out of the road and bridge fund upon the order of said court, when said fine and costs have been worked out as provided in this section; provided, that this act shall not be con-

strued so as to relieve any convict from payment of all costs for which he would be liable under the General Laws of this State.

Nothing in this section shall be construed so as to deprive the commissioners' court of the right to have convicts to work a part or all of their time on the county convict farm; but authority is herein expressly given said court to require convicts to labor, in payment of fines and costs, either upon the county convict farm or upon the public roads, or partly upon both, as to said court it may seem best, and the provisions of this section shall apply, as far as practicable, in all cases where convicts labor upon the county convict farm.

SEC. 4. Each county commissioner shall have charge of all road overseers in his district, and shall deliver to each of them, all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners' court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer.

And any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession, caused by negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners' court.

It shall be the duty of the road overseer, when he has finished work on his roads, to return to said commissioners all teams, tools and machinery received from them by him and take up the receipt given therefor.

SEC. 5. It shall be the duty of the commissioners, when acting as road commissioners, to inform themselves of the condition of the public roads in their districts, and they shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all overseers of his district.

SEC. 6. The commissioner may require each overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the terms of service as prescribed by the General Laws shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time.

Each road overseer, or in case of his absence any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand when called out shall perform a good day's work; and if any hand when so called out shall fail or refuse to do a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

The commissioners' court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year a compensation not to exceed one dollar per day for each day served over five days during any one year.

SEC. 7. Any citizen of Parker county who is subject to road duty who shall, on or before the first day of January of any year, pay to the county

treasurer of said county the sum of two dollars and fifty cents, or who shall pay to the overseer of his respective district the sum of two dollars and seventy-five cents at any time before the day appointed to work on his road shall be exempt from road duty for such year, beginning on the first day of January.

Overseers shall receive and receipt for all moneys so paid them, and shall immediately or within ten days after the receipt of same, pay all amounts so received over to the county treasurer, taking a receipt therefor, and shall furnish the county treasurer a statement, under oath, showing the amount so collected and by whom paid.

And any overseer who shall fail or neglect to comply with the provisions of this section as herein set forth shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than thirty nor more than sixty days, or by both such fine and imprisonment.

The treasurer shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund.

The treasurer shall on the third day of January of each year, or as soon thereafter as practicable, furnish the commissioners' court with a list of all persons who have paid said sums as provided in this section, and said court shall immediately have overseers in districts wherein said sums have been paid, notified of the payment of the same, and by whom paid.

SEC. 8. Every person liable to work on the public roads in Parker county who shall pay to his road overseer at any time before the day appointed to work on his road the sum of one dollar for each day that he is summoned to work, shall be exempt from work for each day paid for.

SEC. 9. Every person liable to work on the road shall take with him an axe, hoe, pick, spade, shovel, plow, scraper, or other tools as may be desired and directed by the overseer; or if he has no such tools as are desired or directed by the overseer, to take with him, he shall take such other suitable tools as he may have; provided, the county shall be liable for, and the commissioners' court, under such regulations as they may prescribe, shall pay for all such breakage or damage to tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same.

Such overseer shall also summon and require such road hand to bring with him for road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one half days' time for each day put in by a hand and his team, and one and one-half days' time for his team without such hand; provided, it shall be unlawful for any road overseer, superintendent of public roads and highways, or county commissioner, when acting in the capacity of ex-officio road commissioner, to work or use any team or teams of which he is the owner upon the public county roads at an expense to the county, and the commissioners' court shall not allow any compensation for such service so rendered.

SEC. 10. If any person liable to work on the public roads, after being legally summoned, shall intentionally fail or refuse to attend either in person, or by an able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to the overseer such sum as one dollar per



day each day summoned to work, he shall be deemed guilty of a misdemeanor, and on conviction thereof he shall be fined in any sum not to exceed ten dollars.

SEC. 11. At the regular term of the commissioners' court of each year, all road overseers shall make their report, under oath, upon the form to be furnished them by the said court, which said report shall be examined by said court, and all accounts for services or labor performed for overwork by such overseer during the past year and of moneys had and expended by him, shall be audited and settled, and as soon thereafter as practicable, said commissioners' court shall appoint and commission road overseers for the succeeding year.

Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the commissioners' court, or by the commissioner of his district or county superintendent of public roads and highways, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, changing or draining any road, or any part thereof, if the owner of said land cannot agree with the court as to damages to be paid the court may proceed to condemn the same in accordance with the provisions of the general statutes or laws of Texas, and the county shall in no case be required to give a bond.

SEC. 13. When to the overseer it may appear expedient to make causeways and build bridges, or to gravel any public road, the timber, gravel, earth, stone or other necessary material most convenient therefor may be used; but in such case the owner of such timber or gravel, earth, stone, or other necessary material shall be paid out of the county treasury a fair compensation for the same, to be determined by the commissioners' court upon the application of such owner.

SEC. 14. Each county commissioner when acting as road commissioner shall be entitled to two dollars per day for services actually performed; provided, that he shall not receive more than sixty dollars per quarter, said per diem to be paid out of the road and bridge fund, when the account shall have been approved by the commissioners' court; and the court shall not approve said account unless the commissioner presenting it shall make oath that the account is just, due and unpaid, and said account shall specify the number of days' work actually performed by him, and that it was necessary to be done under the circumstances, and no commissioner shall be entitled to pay as road commissioner, either for himself or his deputy, while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road, or for other road service.

SEC. 15. In all cases where the cost of material and labor exceeds two hundred dollars, it shall be the duty of said court to construct, grade, or gravel or otherwise improve any road or bridge by contract. the same to be advertised for as provided for by said commissioners' court.

SEC. 16. The office of county superintendent of public roads and highways is hereby created, and the commissioners' court of Parker county

may, when in their judgment it may be advisable, provide for the election of a county superintendent of public roads and highways at each general election, who shall be a person of good moral character and executive ability, a qualified voter of said county, who shall hold his office for the term of two years and until his successor is elected and qualified; and said commissioners' court, when they so provide for the election of a county superintendent, shall appoint a county superintendent of public roads and highways, with the qualifications above provided, who shall perform the duties of such office until a county superintendent shall have been elected as hereinbefore provided, and shall have qualified.

Such superintendent, when elected or appointed, shall perform the duties of his office from time to time under such direction or regulations as in the judgment of the commissioners' court may seem best; and said superintendent shall at all times be subject to the directions or immediate control of the commissioners' court.

Such county superintendent of public roads and highways, before entering upon the discharge of his duties, shall take the oath of office prescribed by law, and shall enter into bond in the sum of five thousand dollars, with good and sufficient sureties, to be approved by the county commissioners' court, and to be filed with the county clerk of Parker county, and said bond shall be made payable to the county commissioners' court of Parker county and their successors in office, in trust for the road and bridge fund of Parker county, and be conditioned for the faithful performance of the duties of the office.

In case said bond is forfeited and collected, the sum so collected shall become a part of the road and bridge fund of Parker county.

Such superintendent, while actually engaged in the discharge of the duties of his office, shall receive from the road and bridge fund of Parker county, as compensation for his services, a salary not exceeding six hundred dollars per year, and the county commissioners' court of Parker county shall have the power and authority when in their judgment they may deem it advisable to abolish the office of county superintendent of public roads and highways, by an order entered on the minutes of their court at a regular term thereof.

Whenever such office is abolished, the county superintendent shall serve out the term for which he was elected, and at the expiration of his term he shall turn over all books, papers, records, tools, machinery and other property in his possession belonging to the county or pertaining to his office to the county judge, who shall issue a receipt therefor.

SEC. 17. This act shall be taken notice of by all courts in the same manner as a general law of this State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to the county of Parker; and all local or special laws in conflict herewith are hereby repealed.

SEC. 18. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the

House of Representatives by a two-thirds vote, yeas 90, nays 0; and passed the Senate by a two-thirds vote, yeas 25, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-first day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective April 1, 1899.

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### RAINES AND GRIMES COUNTIES—SCHOOL SYSTEM.

H. B. No. 441.]

#### CHAPTER XLII.

**AN Act to transfer Raines and Grimes counties from the community school system to the district system, and to authorize and empower the said counties to organize and conduct all of their public free schools under the district system as provided by the laws now in force.**

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas:* That Raines and Grimes counties be and are hereby transferred from the community school system to the district school system, and are hereby authorized and empowered to organize and conduct all of their public free schools under the district system as provided by the laws now in force.

That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

**SEC. 2.** The near approach of the end of the session, the crowded condition of the calendar, and the near approach of the time when the scholastic census must be taken, create an emergency and imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 87, nays 0; and passed the Senate by a two-thirds vote, yeas 21, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-first day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect April 1, 1899.

CORPORATIONS—PERMITTING ORGANIZATION FOR  
BOARDS OF TRADE, ETC.

S. B. No. 160.]

## CHAPTER XLIII.

An Act to amend Article 642, of the Revised Civil Statutes, and to add thereto Section 57, regarding the purposes for which private corporations may be created, so as to authorize the organization of cotton exchanges, chambers of commerce, and boards of trade.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 642, of the Revised Statutes of the State of Texas, be amended by adding thereto Section 57, to hereafter read as follows:

Section 57. For the organization of cotton exchanges, chambers of commerce and boards of trade, with power to provide and maintain suitable rooms for the conduct of their business, and to establish and maintain uniformity in the commercial usages of cities and towns, to acquire, preserve and disseminate valuable business information, and to adopt rules, regulations and standards of classification which shall govern all transactions connected with the cotton trade and with other commodities where standards and classification are required, and generally to promote the interest of trade and increase the facilities of commercial transactions.

SEC. 2. Whereas, cotton exchanges, chambers of commerce and boards of trade have proven to be most beneficial agencies in the regulation and promotion of trade and commerce and in cheapening and expediting the handling of commercial products, and, whereas, there is no statute authorizing the incorporation of such bodies, therefore an urgent necessity and imperative emergency exists authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and that this bill take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, yeas 17, nays 7; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-third day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

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## ROBERTSON COUNTY—ROAD SYSTEM.

H. B. No. 338.]

## CHAPTER XLIV.

An Act to create a more efficient road system for Robertson county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for the violation of this act, and repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Robertson county shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners' court shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by said county, and it shall be their duty, under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges.

Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or by the commissioners' court, and that they will account for all money or property belonging to the county that may come into their possession; provided, that with the consent of the commissioners' court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioner when a road commissioner has been appointed.

SEC. 2. The commissioners' court of said county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working.

Said commissioners' court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads.

Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract.

In such case said court, or the county judge, may advertise in such manner as said court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder who shall enter

into bond, payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids.

At the time of making such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds, and the same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said court shall have authority to employ any hands or teams to work on the road, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners' court of said county, should they deem it necessary, shall require all county convicts to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and then on the cost, for each day he may labor.

Such commissioners' court may provide such reasonable regulations and punishment as may be necessary to require such convicts to perform good work; and may provide a reward not exceeding ten dollars, to be paid out of the road and bridge fund for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict and worked out or paid by him as a part of the cost.

The commissioners' court may grant a reasonable commutation of time for which a convict is committed, as a reward for the faithful service and good behavior, in no case to exceed one-tenth of the whole time.

Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts.

The commissioners' court may, at a regular term, allow to the officers and witnesses such amount of their costs for the arrest and conviction of said convicts as it may deem best; provided, that it shall not allow to any officer an amount greater than the following: County attorney, \$5.00, including commissions; county clerks and justices of the peace, including commissions, \$1.70; sheriffs or constables, \$5.00; which amount shall be paid to the officers out of the road and bridge fund, upon the order of said court, when said fine and costs have been worked out as provided in this section; provided, that this shall not be construed as to relieve any convict from the payment of all cost for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said overseer so far as he has been supplied therewith by the commissioners' court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession caused by his negligence or want of

due care of same, and shall not use or permit the same to be used for private purposes, without the consent of the commissioners' court.

It shall be the duty of the road overseer, when he has finished work on his roads, to return to said commissioner all teams, tools and machinery received from him and take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner when acting as road commissioner to inform himself of the condition of the public roads of his district and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers in his district.

SEC. 6. The commissioners may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service as prescribed by the general laws shall be extended beyond that time; provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time.

Each road overseer, or in case of his absence any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand when called out shall perform a good day's work, and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

The commissioners' court may allow any overseer who shall be engaged in the discharge of the duties of office for more than five days during any one year, a compensation not to exceed one dollars and fifty cents per day for the time so served.

SEC. 7. Any citizen of Robertson county liable for road duty who shall on or before the first day of January of each year pay to the county treasurer the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of January.

The treasurer shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund, and shall keep a separate account for each road district from which it is received.

The treasurer shall, on the third day of January, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 8. Every person liable to work on roads by paying to his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work, one dollar and fifty cents for each day that he is summoned to furnish his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also exempt from any penalties for failure to work or furnish such teams for the time for which he had so paid.

SEC. 9. Each person summoned to work on a road shall take with him an axe, hoe, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tools as are desired and directed by the overseer to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for

and the commissioners' court, under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work and not caused by the negligence of the person furnishing the same.

Such overseer may also summon and require such road hand to bring with him, for public road work, such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days time for each day put in by a hand with his team, and one and one-half days time for his team without such hand.

SEC. 10. If any person liable to work upon the public road, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay to such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work; or, having attended, shall fail to perform good service or any other duty required of him by law, or the person under whom he may work, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the commissioners' court in November of each year, all road overseers shall make their reports, under oath, upon form to be furnished them by said court, which said report shall be examined by said court; and all accounts for services or labor performed for overwork by such overseer during the past year, and of moneys had and expended by him, shall be audited and settled; and as soon thereafter as practicable said commissioners' court shall appoint and commission road overseers for the succeeding years.

Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the commissioners' court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for opening, widening, straightening or draining any road or part thereof, if the owner of such land and the county commissioners' court cannot agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had, and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. Every owner of a farm or other land upon which a hedge of any description grows on or near the public road, shall be required to keep the same trimmed so that the same shall not obstruct said road; and any such owner who shall fail or neglect to so trim such hedge shall be notified in writing by the road overseer of that district to trim such hedge as herein required, and in such case, if such owner shall, after receiving such notice, fail or refuse to trim such hedge within a reasonable time, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty dollars per week from and after the time



that he received such notice, such fine to be paid into the county treasury and to be placed to the credit of the road and bridge fund of said county.

If any owner of any farm shall fail or refuse, after being notified as herein required, to trim his hedge as required by this act, then the road overseer shall cause the same to be trimmed in accordance with the provisions of this act, to be paid out of the road and bridge fund.

SEC. 14. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners' court, shall be entitled to \$2.00 per day for the services actually performed; provided, said sum to be paid him shall not exceed (\$20.00) twenty dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners' court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath, that the account is just, due and unpaid, and specifying the number of days of work and date of same actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to receive, either for himself or for his deputy while he is performing the duties of road commissioner, any additional pay in excess of (\$20.00) twenty dollars per year for riding over and inspecting his roads.

SEC. 15. This act shall be taken notice of by all courts in the same manner as the General Laws of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges, when not in conflict therewith; but in case of conflict this act shall control as to the county of Robertson.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-third day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

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## TAXES—PROVIDING FOR THE REDEMPTION OF LAND SOLD TO THE STATE.

S. B. No. 94.]

### CHAPTER LXV.

An Act to extend the time within which lands heretofore sold, or which may be hereafter sold, to the State for taxes, under decree of court under the provisions of Chapter 42, Laws of 1895, and Chapter 103, Laws of 1897, may be redeemed; providing the manner of such redemption, and repealing all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the owner or any one having an interest in lands or lots heretofore sold to the State, or which may hereafter be sold to the State, for taxes under decree of court, as provided in the Acts of 1895, Chapter 42, and 1897, Chapter 103, shall have the right within two years from the taking effect of this act, to redeem the same upon payment of double the amount

of taxes, interest and penalty, for which sale was made, together with all costs adjudged against the land; provided, that at any time within twelve months from the taking effect of this act redemption may be made upon the payment of the amount of taxes, penalty and interest for which judgment has been rendered, with 6 per cent. interest thereon from date of judgment, and all costs adjudged against the land.

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. The fact that in many cases the time for redemption has expired, and there is now no law authorizing the redemption of property sold for taxes under decree of court, where two years from date of sale have elapsed, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 98, nays 0.]

Approved March 25, 1899.

Became effective March 25, 1899.

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## PROTECTING FARMERS IN THE PURCHASE OF BOLL WORM POISONS, ETC.

S. B. No. 64.]

### CHAPTER XLVI.

An Act for the better protection of the farmer in the purchase of commercial fertilizers and commercial poisons used for destroying boll worms and other pests.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* Before any commercial fertilizer or commercial poison, or any chemical mixture used as a commercial fertilizer or commercial poison such as london purple, arsenic, paris green, or any poison used for the purpose of destroying the boll worm, or other pests, are sold or offered for sale in this State, the manufacturer, agent, importer or party who sells or offers it for sale within this State shall deposit with the professor of chemistry of the Agricultural and Mechanical College a sealed tin can, bottle or jar, containing not less than one pound of the fertilizer or commercial poison offered for sale, with an affidavit that it is a fair sample taken from several barrels, boxes, sacks or from quantities in larger bulk of the article thus to be sold or offered for sale; provided, the unmixed substance, cotton seed meal, land plaster, salt, ashes, lime, green sand marl, uncrushed bones and animal excrements, shall be exempt from the operation of this law.

SEC. 2. The manufacturer, importer, vendor or agent of any commercial fertilizer, or commercial poison as referred to in Section 1 of this chapter, shall pay annually to the treasurer of the Agricultural and Mechanical College an analysis fee of fifteen dollars for each and every fertilizer or commercial poison sold, exposed or offered for sale within

this State. Such payment shall be made at the time the sample of fertilizer or commercial poison is submitted to the professor of chemistry for analysis.

SEC. 3. After the analysis fee has been paid, as provided for in Section 2 of this chapter, it shall be the duty of the professor of chemistry of the Agricultural and Mechanical College to analyze or have analyzed under his direction any sample of a commercial fertilizer or commercial poison in accordance with the requirements of the foregoing sections of this law. The professor of chemistry shall print the result of such analysis in the form of a label, which shall set forth the name of the manufacturer, the brand of the fertilizer, or commercial poison, and the essential ingredients contained in such fertilizer or commercial poison, viz.:

1. Available nitrogen and its equivalent in ammonia.
2. Soluble phosphoric acid; total available phosphoric acid.
3. Reverted phosphoric acid.
4. Total phosphoric acid.
5. Potash, soluble in water.

This, however, shall not preclude the professor of chemistry from setting forth any other ingredients which the fertilizer may contain. And he shall place upon each label the money value of such fertilizer or commercial poison, computed from its composition as he may determine. He shall furnish such labels in quantities of 500, or multiple thereof, at a cost of one dollar per one hundred, the money to be paid directly to the treasurer of the Agricultural and Mechanical College.

SEC. 4. Every box, barrel, keg or other package or quantity of commercial fertilizer or commercial poison (within the limitation of Section 1 of this law) in any shape or form sold or offered for sale in this State, shall have attached to it in a conspicuous place the label as provided for in Section 3 of this law, with the signature of the professor of chemistry attached.

SEC. 5. The professor of chemistry, or any duly authorized agent of his, is hereby authorized to select from any package of commercial fertilizer or commercial poison sold, or exposed for sale, in this State, a quantity not to exceed two pounds, for a sample to be used for the purpose of an official analysis, and for comparison with the sample furnished by the manufacturer, agent or vendor for official analysis.

SEC. 6. Any manufacturer, agent or vendor of any commercial fertilizer or commercial poison who shall offer or expose for sale any such fertilizer or commercial poison without having previously complied with the provisions of this chapter shall be fined not less than fifty and not more than five hundred dollars for each violation or evasion of this law.

SEC. 7. Any agriculturist or farmer, a purchaser of any commercial fertilizer or commercial poison in this State, may take a sample of the same under rules and regulations to be prescribed by the professor of chemistry of the Agricultural and Mechanical College, and forward the same to him for analysis, which analysis shall be made free of charge.

SEC. 8. The revenues accruing from the analysis fees and sale of labels as provided for in this chapter shall be expended by the board of directors of the Agricultural and Mechanical College for the maintenance of the chemical department, and for such other purposes as they may determine.

Sec. 9. A copy of the official analysis of any fertilizer or commercial poison or chemical certified to by the professor of chemistry shall be admissible as evidence in any court of this State, on the trial of any issue involving the merits of said fertilizer or commercial poison.

Sec. 10. Whereas, the fact that there is no law authorizing the analysis of commercial fertilizers and commercial poisons, or the testing of adulterated poison when used for the purpose of destroying the boll worm and other pests, and the better protection of the farmer, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, said rule is so suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 23, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 88, nays 3.]

Approved March 25, 1899.

Became effective March 25, 1899.

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### MARRIAGES IN CASES OF SEDUCTION—AMENDING ARTICLE 969, PENAL CODE.

H. B. No. 9.]

CHAPTER XLVII.

An Act to amend Article 969, Chapter 3, Title 18, Penal Code, Revised Statutes of 1895, relating to marriages in cases of seduction.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 969, Chapter 3, Title 18, Penal Code of the Revised Statutes of 1895, be amended so as to read as follows:

Article 969. If the parties marry each other at any time before the conviction of the defendant, or if the defendant in good faith offers to marry the female so seduced prior to the time he pleads to the indictment before a court of competent jurisdiction, no prosecution shall take place, or if begun it shall be dismissed; but the benefits of this article shall not apply to the case of a defendant who was in fact married at the time of committing the offense.

Approved March 25, 1899.

Takes effect 90 days after adjournment.

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RAILROADS—FURNISHING CARS—AMENDS ARTICLES  
4497 AND 4500, REVISED STATUTES.

S. S. B. No. 1.]

CHAPTER XLVIII.

An Act to amend Articles 4497 and 4500, of the Revised Civil Statutes of the State of Texas, of 1895, as originally enacted in 1887, relating to the furnishing of cars for the shipment of freight and the time within which the same shall be loaded.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Articles 4497 and 4500, of the Revised Civil Statutes of the State of Texas, as revised in 1895, and originally enacted in 1887, be and the same are hereby amended so as to hereafter read as follows:

Article 4497. When the owner, manager or shipper of any freight of any kind shall make application in writing to any superintendent, agent or other person in charge of transportation, to any railway company, receiver or trustee operating a line of railway at the point the cars are desired upon which to ship any freight, it shall be the duty of such railway company, receiver, trustee or other person in charge thereof, to supply the number of cars so required, at the point indicated in the application within a reasonable time thereafter, not to exceed six days from the receipt of such application, and shall supply such cars to the persons so applying therefor, in the order in which such applications are made, without giving preference to any person; provided, if the application be for ten cars or less, the same shall be furnished in three days; and provided further, that if the application be for fifty cars or more, the railway company may have ten full days in which to supply the cars.

Article 4500. Such applicant shall, at the time of applying for such car or cars, deposit with the agent of such company one-fourth of the amount of the freight charge for the use of such cars, unless the said road shall agree to deliver said cars without such deposit. And such applicant shall, within forty-eight hours after such car or cars have been delivered and placed as hereinbefore provided, fully load the same, and upon failure to do so, he shall forfeit and pay to the company the sum of twenty-five dollars for each car not used; provided, that where applications are made on several days, all of which are filled upon the same day, the applicant shall have forty-eight hours to load the car or cars furnished on the first application, and the next forty-eight hours to load the car or cars furnished on the next application, and so on; and the penalty prescribed shall not accrue as to any car or lot of cars applied for on any one day, until the period within which they may be loaded has expired. And if the said applicant shall not use such cars so ordered by him, and shall so notify the said company or its agent, he shall forfeit and pay to the said railroad company, in addition to the penalty herein prescribed, the actual damages that such company may sustain by the said failure of the applicant to use said cars.

SEC. 2. Whereas, under the present law, shippers are necessarily delayed and put to a great inconvenience for the want of a ready supply of cars, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be sus-

pending, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; reported to the House of Representatives, was there amended; Senate concurred in House amendments, no vote given; and passed the House of Representatives, no vote given.]

Approved March 28, 1899.

Takes effect 90 days after adjournment.

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## OIL WELLS.

H. B. No. 542.]

### CHAPTER XLIX.

An Act to regulate drilling, operation and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses connected therewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the owner or operator of any well being constructed for the production of petroleum oil, natural gas or mineral water, shall, before drilling into the oil or gas bearing rock, incase such well with good and sufficient wrought iron or steel casing, in such manner as shall exclude all surface or fresh water from the lower part of such well from penetrating the oil or gas bearing rock.

Should any well be drilled through the first into a lower oil or gas bearing rock, the same shall be cased in such manner as will exclude all fresh water above the last oil or gas bearing rock penetrated.

SEC. 2. That the owner or operator of any well constructed for either or any of the purposes named in the first section of this act, when about to abandon or cease operating the same, and before drawing the casing therefrom, shall securely fill such well with rock, sediment or with mortar, composed of two (2) parts sand and one (1) part cement or other suitable material to the depth of two hundred feet above the top of the first oil or gas bearing rock, and also in such manner as shall prevent the gas and oil from escaping therefrom.

If the owner or operator of any such well shall fail to or shall inefficiently comply with the provisions of this section then the owner of the land upon which the well is situated shall forthwith comply therewith.

If all the persons hereinbefore named shall fail to or inefficiently fill such well in the manner hereinbefore described, then it shall be lawful for any person, after written demand therefor to any of said persons, to enter the premises where such well is situated, take possession thereof and fully comply with the provisions of this section.

The reasonable cost and expense thereof shall forthwith be paid by the owner or operator of the well, and on his default by the owner of the land.

The amount of such reasonable cost and expense shall forthwith be a lien upon the fixtures and machinery and leasehold interest of the owner and operator of said well, as upon the title and interest of the land owner in the land upon which said well is situated, and may be recovered and

enforced against said owner or operator, in the order named, in any court of competent jurisdiction.

SEC. 3. That any person, co-partnership or corporation in possession either as owner, lessee, agent or manager of any well producing natural gas, in order to prevent the said gas from wasting by escape, shall, within ten days after this act takes effect, and within ten days after penetrating the gas bearing rock in any well hereafter drilled, shut in and confine the gas in said well until and during such time as the gas therein shall be utilized for light, or fuel or power; provided, that this shall not apply to any well that is operated for oil.

SEC. 4. That it shall be unlawful for any person, co-partnership or corporation to use natural gas for illuminating purposes than what are known as flambeau lights; but nothing herein shall prohibit the use of "Jumbo" burners, or any other burners consuming no more gas than such "Jumbo" burners, but the person, co-partnership or corporation consuming such gas and using such burners in the open air shall inclose the same in glass globes or lamps, and any one using such gas in the open air, or in or around derricks, shall turn off said gas not later than eight o'clock in the morning of each day such lights are burning or used, and shall not turn on or relight the same between the hours of eight o'clock a. m. and five o'clock p. m.

SEC. 5. That any person, co-partnership or corporation violating any of the provisions of this act, shall be liable to a penalty of one hundred dollars, to be recovered with the cost of suit in a civil action, in the name of the State of Texas, in any court of competent jurisdiction in the county in which the act shall be committed or omitted.

Such suit may be brought at the instance of any resident of the State of Texas, without security or liability of cost.

The amount of said penalty when collected shall be paid, one-half into the school fund of the county in which said suit is brought, and one-half to said person at whose instance said suit shall be brought.

SEC. 6. From the fact that the surface water in wells now abandoned is calculated to ruin the oil field in Navarro county, an emergency is created and an imperative public necessity requires the suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 91, nays 0; and passed the Senate by a two-thirds vote, yeas 25, nays 1.]

Approved March 29, 1899.

Became effective March 29, 1899.

RAILROADS—SHALL DELIVER FREIGHT IN ACCORDANCE  
WITH BILL OF LADING.

H. B. No. 233.]

CHAPTER L.

An Act to prohibit railroad companies, their officers, agents and employes from making excessive charges for carrying and transporting freight, goods, wares and merchandise, and to require said companies, their officers, agents and employes to deliver freight, goods, wares and merchandise on the payment of the freight charges due, as shown by the bill of lading, and to provide penalties for the violation of this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That it shall be unlawful for any railroad company in this State, its officers, agents or employes, to charge and collect, or to endeavor to charge and collect, from the owner, agent or consignee of any freight, goods, wares and merchandise, of any kind or character whatsoever, a greater sum for transporting said freight, goods, wares and merchandise than is specified in the bill of lading.

SEC. 2. That any railroad company, its officers, agents or employes, having possession of any goods, wares and merchandise of any kind or character whatsoever, shall deliver the same to the owner, his agent or consignee upon payment of the freight charges, as shown by the bill of lading.

SEC. 3. That any railroad company, its officers, agents or employes that shall refuse to deliver to the owner, agent or consignee, any freight, goods, wares and merchandise, of any kind or character whatsoever, upon the payment, or tender of payment, of the freight charges due as shown by the bill of lading, the said railroad company shall be liable in damages to the owner of said freight, goods, wares and merchandise, to an amount equal to the amount of the freight charges, for every day said freight, goods, wares and merchandise is held after payment or tender of payment of the charges due as shown by the bill of lading, to be recovered in any court of competent jurisdiction.

SEC. 4. The fact that the above foregoing act was passed by the Legislature of the State of Texas, and approved May 6, 1882, and took effect ninety days after its adjournment, and has never been expressly repealed by the Legislature of the State of Texas, but that by reason of its omission from the Revised Statutes, as now in force, some doubts exist as to whether or not the said act so passed by the Legislature of the State of Texas on May 6, 1882, is now in force, creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 103, nays 0; and passed the Senate by a two-thirds vote, yeas 22, nays 4.]

Approved March 29, 1899.

Became effective March 29, 1899.



## SCHOOL TRUSTEES—INDEPENDENT DISTRICTS.

S. B. No. 188.]

CHAPTER LI.

An Act to provide a uniform method of electing school trustees in independent districts; defining the duties of such trustees in reference to the election of superintendents of schools and the control of schools in such independent districts, and repealing Article 4008, of the Revised Civil Statutes, and all other laws, both general and special, in conflict with the provisions of this act, and providing an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. There shall be elected six school trustees for each independent district of this State at an election held in each such independent school district on the first Tuesday in May, 1899, and three on the second Tuesday in December of each second year thereafter, that is, in 1901, 1903, etc.

SEC. 2. At the first election held under this act, the first Tuesday in May, 1899, there shall also be elected a president of the board of trustees, who shall serve until the regular trustees' election in 1901, and until his successor is elected and qualified; and thereafter the term of office of the president of the board of trustees shall be four years. The president of the board of trustees shall preside at all meetings of the board; he shall sign all drafts upon the treasurer, which are issued by authority of the board; he shall not vote on any question submitted to the board, or in any election of teachers, except when the votes cast are equally divided, when it shall be his duty to cast the deciding vote, and he shall serve without compensation.

SEC. 3. Three of the trustees elected in May, 1899, shall serve until the regular trustees' election in 1901, and three shall serve until such election in 1903, and until their successors are elected and shall have qualified. The trustees elected at the first election provided for in this act shall meet within twenty days after such election, or as soon as possible thereafter, and shall determine by lot which three of the trustees elected shall serve until December, 1901, and which three shall serve until December, 1903; and at the regular election of trustees in each alternate year thereafter three trustees shall be elected, and the term of office of each shall be four years, and said trustees shall serve without compensation.

SEC. 4. The county judge of each county shall order for each and every independent district in the county for which he is county judge the first election required to be held under the provisions of this act, and thereafter all such elections shall be ordered by the board of trustees of each independent district at least ten days before the date of the election, and the secretary of the board of trustees shall post three notices of the order for election at three different places in the district. The board of trustees, at the time of ordering such election, shall appoint persons to hold the election, who shall serve without compensation, and shall designate the places where the polls of such election shall be open.

SEC. 5. All the qualified voters of each independent district shall be entitled to vote at a trustees' election, and the three candidates receiving

the largest number of votes shall be entitled to serve as trustees for the terms for which they are candidates.

SEC. 6. Before any trustee enters upon the discharge of the duties of his office he shall swear that he will faithfully and impartially discharge the duties of such office, and such affidavit shall be filed with the county judge.

SEC. 7. Said board of trustees may adopt such rules, regulations and by-laws, for their own government, as they may deem proper. The public free school of such independent district shall be under the control and supervision of such board of trustees, and said board, when elected, shall have the exclusive power to control, manage and govern said schools.

SEC. 8. Each board of trustees provided for in this act shall elect a superintendent or principal of schools of such independent district for not more than two years, and such election of superintendent or principal shall be held between the 15th day of April and the 15th day of August of each year, or each alternate year, as may be necessary. The election of a superintendent or principal to fill any vacancy in said position, arising from any cause whatever, shall be for the unexpired term only.

SEC. 9. When a vacancy occurs in the board of trustees in any independent district, the remaining members of such board shall fill the vacancy by electing a person to serve until the next regular election of trustees, when at that time the vacancy shall be filled by an election; provided, the term of the trustees first elected has not expired, and a person elected by the people to fill a vacancy shall serve to the end of the term for which the trustee creating the vacancy was elected.

SEC. 10. Any independent district which now has a board of six trustees, elected by the people or appointed by the city council, shall not be required to hold the special election in May, 1899, provided for in this act; but the said board of trustees that are elected under Article 4007 of this chapter shall determine, by lot or otherwise, the members of said board whose term of office shall expire in 1901, and those whose term shall expire in 1903, and the regular election of trustees in the odd numbered years, as provided for in this act, shall be held in each such independent district, save in the cities as provided for in Article 4018.

SEC. 11. All laws and parts of laws, both general and special, in conflict with the provisions of this act are hereby repealed, and Article 4008, of the Revised Civil Statutes, is specially repealed.

SEC. 12. The fact that the Revised Statutes are indefinite in their provisions, in reference to the election of trustees in independent districts incorporated for school purposes only, and that much confusion and uncertainty will result if an attempt is made to elect trustees in such districts in June next, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 24, nays 0, and reported to the House where it was amended; Senate concurred in House amendments by a two-

thirds vote, yeas 25, nays 1; passed the House of Representatives with amendments by a two-thirds vote, yeas 102, nays 2.]

Approved March 30, 1899.

Became effective March 30, 1899.

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## RAILROADS—AUTHORIZING LEASE BY ONE LINE OF ANOTHER.

S. B. No. 214.]

CHAPTER LII.

An Act to authorize the lease of any railroad connecting at the State line, not exceeding thirty miles in length, by any railroad company so connecting with same.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That any railroad now or hereafter constructed, not exceeding thirty miles in length, connecting at or near the State line with any other railroad, may be leased by the company owning such other railroad, on such terms and for such time, not exceeding ten years, as may be approved by the Railroad Commission of Texas; provided, that said Commission may refuse to approve the same for any cause which it may deem sufficient; and provided further, that at any time before or after the expiration of such lease, the same may be renewed or another lease executed, subject to the provisions and limitations of this act; and provided further, that the provisions of this act shall not apply to railroads whose total mileage in this State may exceed thirty miles, although a portion thereof so connecting at the State line may not exceed thirty miles in this State.

SEC. 2. During the term of such lease the lessor company shall remain subject to the jurisdiction of the said Railroad Commission of Texas, and, notwithstanding such lease, shall be liable for any and all things occurring on or in connection with such road to the same extent as it would be if such lease had not been made, it being the intent hereof that the lease shall not operate to exempt the lessor company from any liability that would otherwise exist against it; but this section shall not be so construed as to release the lessee company from any liability; provided, this act shall not apply when any such lessee road is of less length than 100 miles at the date of the passage of this act.

SEC. 3. Any company whose road may be leased under the provisions of this act is hereby exempted from the laws of this State requiring general offices to be maintained and the general officers to reside in this State, except in so far as it may be required by Section 3, Article 10, of the Constitution of the State of Texas, and except in so far as may be required by the order or orders of said Railroad Commission.

SEC. 4. In any suit against the lessor company, for the purpose of service of process, the officers and agents of the lessee company shall be the officers and agents of the lessor company.

SEC. 5. The near approach of the close of this session, and the large amount of business remaining to be disposed of before final adjournment, creates an emergency which authorizes the suspension of the con-

stitutional rule requiring bills to be read on three several days in each house, and such rule is hereby suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 19, nays 6; and passed the House of Representatives, no vote given.]

Approved March 30, 1899.

Takes effect 90 days after adjournment.

### NORTH TEXAS STATE NORMAL COLLEGE.

S. B. No. 145.]

CHAPTER LIII.

An Act to provide for the establishment, maintainance and government of a State normal school to be located at Denton, Texas, and be known as the North Texas State Normal College.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That there shall be established at the college heretofore known as the North Texas State Normal College, at Denton, in the county of Denton, Texas, a normal school to be known as the North Texas State Normal College; provided, that the citizens and municipal authorities of said city of Denton, shall, within sixty days after this act takes effect, convey or cause to be conveyed to the State of Texas, by a good and perfect title, the buildings, grounds and other property belonging to or used by the said North Texas Normal College, and bind the city of Denton to furnish for the use of said school an abundant supply of pure artesian water free of cost to the State, for all the purposes of said school, which said conveyance and obligation shall be approved by the Governor and Attorney-General; provided, that said college building, when tendered and accepted, shall be sufficient to accommodate at least four hundred pupils; and provided further, that if the donation and proposition mentioned herein is not fully complied with by the city of Denton to the satisfaction of the Governor, Comptroller and Superintendent of Public Instruction, then the location of such normal college shall be open to such other place as the Governor, Comptroller and Superintendent of Public Instruction may deem most satisfactory and advantageous to the State.

SEC. 2. When said conveyance is duly approved by the Governor and Attorney-General said building, grounds and other properties belonging to or used by said North Texas Normal College, shall pass to and be under the control of the State Board of Education, and on or before the third Monday in September, A. D. 1899, the same being the 18th day of said month, the said State Board of Education shall organize and put in operation at said location a State normal school to be known as the North Texas State Normal College, which shall be conducted for a session of not less than thirty-six weeks each year, upon approved methods and plans for first class schools designed for the special training of teachers, and said school shall be under the control and management of the State Board of Education.

SEC. 3. The State Board of Education shall have power to prescribe rules and regulations for the management, control and discipline of said

State normal school; to prescribe courses of study and text-books for the same; to regulate the admission of pupils thereto; to select a president and such teachers as may be deemed necessary therefor, and fix their compensation, and to do and perform all other acts not inconsistent with the laws of this State, as may be necessary or proper for the successful management and conduct of said school.

SEC. 4. The Legislature may, after the taking effect of this act, from time to time, make such appropriation for the support of said State normal school as may be necessary, which shall be paid out upon vouchers drawn in such manner as may be provided by the State Board of Education, upon approval of the Superintendent of Public Education.

SEC. 5. It shall be the duty of the State Superintendent to visit said school and investigate the operations thereof at least twice during each year, and report to the State Board of Education the condition, progress and need of said school, and the said State Board may appoint other persons to visit said school and report thereon.

SEC. 6. The State Board of Education may appoint a local board of directors for said normal school, to be composed of three resident citizens of Denton county, to perform such duties as may be prescribed by said State Board.

SEC. 7. The fact that there is now no normal school in North Texas, and persons preparing themselves for teachers are put to great unnecessary expense in attending the Sam Houston Normal, thereby entail a great and unnecessary hardship upon the public school system in the northern part of Texas, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved March 31, 1899.

Takes effect 90 days after adjournment.

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## FIFTEENTH JUDICIAL DISTRICT—TIME OF HOLDING COURTS.

H. B. No. 555.]

CHAPTER LIV.

An Act to amend an act passed by the Twenty-fifth Legislature in the year 1897, entitled "An Act to amend Subdivision 15, of Article 22, of the Revised Civil Statutes of the State of Texas, relative to the time of holding the terms of the district court of the Fifteenth Judicial District of Texas, passed by the Twenty-fourth Legislature in the year 1895, and to repeal all laws in conflict with this act," providing for the selection and empaneling of grand juries for the January term of said court, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 1, of Chapter 76, of the Acts of the Twenty-fifth Legislature, fixing the times of the holding of the terms of the district court of

the Fifteenth Judicial District of Texas be amended so as to hereafter read as follows:

15. The Fifteenth Judicial District of the State of Texas shall be composed of the county of Grayson, and the district court shall be held therein as follows: A term beginning on the third Monday in September of each year, and may continue in session until and including the last Saturday in December; a term beginning on the first Monday in January in each year, and may continue until and including the last Saturday in March of each year; a term beginning on the first Monday in April of each year, and may continue in session until the business is disposed of; provided, that the grand jury selected for the January term of said court shall not be empaneled during said term unless so ordered by the judge of said court; provided further, that the judge of said court may, at any time, either before or during said January term, order said grand jury to be empaneled on a day fixed by said judge, and when so ordered the members of such grand jury shall be immediately served as in other cases, and it shall be the duty of such members to appear at said time, and upon a failure upon the part of any such member to so appear, he may be fined by the judge as in other cases.

SEC. 2. All laws in conflict with this act are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 1, 1899.

Takes effect 90 days after adjournment.

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## FISH AND GAME—AMENDMENT.

S. B. No. 130.]

### CHAPTER LV.

An Act to amend Chapter 153, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, entitled "An Act to prohibit the taking of fish from the fresh waters, lakes and streams of this State otherwise than by means of the ordinary hook and line and trot line; and to prohibit the sale or shipping of game fish in this State, and to provide penalties for the violation thereof," by exempting Stephens, Eastland, Palo Pinto and other counties from certain provisions of this chapter.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 153 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, be amended so as to hereafter read as follows: That if any person shall, at any time during the year take, catch, ensnare or entrap any fish, except minnows for bait, by means of nets, traps, poison or dynamite or in any other manner than with the ordinary hook and line, or trot line, in any of the fresh waters, lakes and streams of this State, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars and not more than one hundred dollars; provided, that minnows for bait shall not be taken by poison or dynamite; provided further, that the following counties are exempt from all the provisions of

this act, except as refer to the taking, catching or ensnaring of fish by poison or dynamite: Stephens, Eastland, Palo Pinto, Panola, Comanche, Knox, Shackelford, Young, Archer, Throckmorton, Baylor, Delta, Franklin, Camp, Red River, Burnet, Jack, San Jacinto, Polk, Cook, Collin, Ellis, Hill, Kaufman, Mason, Llano, Anderson, Nacogdoches, Coryell, Fannin, Denton, Rockwall, Johnson, Trinity, Walker, Lavaca, Bosque, Hamilton, Brazos, Fayette, Gregg, Shelby, Sabine, Zapata, Starr, Hidalgo, Cameron, Titus, Morris, Harding, Jefferson, Tyler, Liberty, Grimes, Jasper, Montgomery, Caldwell, Goliad, DeWitt, Montague, Newton, San Augustine; provided, that Webb county is hereby exempted from all the provisions of this act.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. The near approach of the close of the present session of the Legislature, and the crowded condition of the calendar, and the importance of the provisions of this act to people of Stephens, Eastland and Palo Pinto counties, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 24, nays 1, and reported to the House where it was amended and reported back to the Senate; the Senate refused to concur in House amendments and asked for Free Conference Committee; report of Free Conference Committee adopted by Senate by a two-thirds vote, yeas 25, nays 1. And the foregoing act passed the House of Representatives by a two-thirds vote, yeas 91, nays 10; Senate refused to concur in House amendments and asked for Free Conference Committee; report of Free Conference Committee adopted by the House of Representatives by a two-thirds vote, yeas 101, nays 5.]

Approved April 1, 1899.

Became effective April 1, 1899.

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## FISH AND GAME LAW—AMENDMENT TO PENAL CODE.

S. B. No. 116.]

### CHAPTER LVI.

An Act to amend Articles 529, 529e, 529l, of Chapter 5, Title 13, of the Revised Penal Code of the State of Texas, of 1895, and adding thereto Article 529u, and amending Article 529g and 529s, and repealing of Subdivision 18 of Article 529g, of Chapter 98, of the General Laws of the State of Texas, of 1897, relating to the offenses for the protection of fish, birds and game; and repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 529, 529e, 529l, of Chapter 5, Title 13, of the Penal Code of the State of Texas of 1895, be amended so as to hereafter read as hereinafter set forth, and that Article 529u be added to said Chapter 5, Title 13, of the Penal Code of the State of Texas of 1895, as hereinafter set forth, and that Articles 529g and 529s, of Chapter 98 of the General

Laws of the State of Texas of 1897, be amended so as to hereafter read as hereinafter set forth, and that Subdivision 18 of Article 529g be repealed.

Article 529. Any person who shall wilfully deface, injure, destroy or remove any buoy or fence or any parts thereof, used to designate or enclose a private oyster bed in this State, without the consent of the owner thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00.)

Article 529e. It shall be unlawful for any person to bring to market, sell or ship any red fish of more than twelve pounds in weight or less than one and one-half pounds in weight; any trout of less than one pound in weight; or any sheephead of less than one pound in weight. Any person offending against this section shall, upon conviction, be fined in any sum not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00).

Article 529g. It shall be unlawful for any person, during the breeding season, consisting of the months intervening between April 1st and September 1st, to catch any fish, green turtle, or terrapin, by drag, seine or set net, or to drag any seine or seines or set any net or nets in these waters which are hereby declared to be breeding grounds for fish, green turtle and terrapin, towit:

1. All that portion of Cameron and Nueces counties, known and marked on the United States coast survey chart as Baffins' Bay and Aqua Dulce.

2. All that portion of water in Nueces county lying north of the San Antonio & Aransas Pass Railroad bridge, and marked on the United States coast survey chart as Nueces Bay.

3. All that portion of water in Aransas county and Refugio county known and marked on the United States coast survey chart as Capano Bay, Puerto Bay and St. Charles Bay.

4. All that portion of water of Lavaca Bay, in Calhoun county, north and west of a line starting from the extreme East Gallinipper Point and running in a northerly direction along Gallinipper Bar to the extreme south point of Point Comfort, sometimes called Mitchell's Point.

5. All that portion of water marked on the United States coast survey chart as Hyne's Bay.

6. All that portion of water in Calhoun county north of a line starting from the extreme point of Marsh's Point and running due east to the east bank of San Antonio Bay, and marked on the United States coast survey chart as Mission Bay and San Antonio Bay.

7. All that portion of water in Calhoun county marked on the United States coast survey chart as Carankaway Bay, and all that water north of a line extending from Half Moon lighthouse in a northeasterly direction to Dog Island, and all that water lying north of a line extending from Dog Island to the mouth of Caney Creek.

8. All that portion of water in Matagorda county north of a line starting from the extreme southern point of Will's Point and running east to Palacios Bayou and marked on the United States coast survey chart as Turtle Bay and Trespalacios Bay. Also all that portion of water in said county lying east and north of a line running from the southernmost point of Trespalacios Point to Half Moon lighthouse;



thence in a northeasterly direction to Dog Island; thence in a northeasterly direction to the mouth of Caney Creek.

9. All that portion of water in Brazoria county marked on the United States coast survey chart as Bastrop Bay and Oyster Bay.

10. All that portion of water in Galveston and Harris counties north of a line starting from the extreme southern point of Red Bluff on the west bank of Galveston Bay and running in an easterly direction to the first beacon south of Morgan's Point; thence in a northerly direction to the extreme point of Mosquito Point.

11. All that portion of water in Chambers county marked on the United States coast survey chart as Turtle Bay.

12. All that portion of water in Galveston and Harris counties known as Clear Creek and Clear Creek Lake as far up as the G., H. & H. R. R. bridge.

13. All that portion of water in Chambers county, starting from the mouth of the Trinity River, with all adjacent channels, bayous and lakes up said river to include Lake Charlotte.

14. All that portion of water in what is known as Ingleside Bay or Ingleside Cove, north of a line starting from the extreme western point of Hatch's Peninsular in a northerly direction to Donald's Point on the mainland; and all that portion of Corpus Christi Bay lying north of a line drawn from the south end of the San Antonio & Aransas Pass Railroad bridge, running in an easterly direction to the extreme southern point of Hatch's Peninsular.

15. All that portion of water lying west of a line drawn from the northwest point of Mustang Island at the old revetment (placed there by the United States Government) to the first buoy south of the lighthouse, and continuing in the same direction to the east shore of Harbor Island; said body of water lies between Mustang and Harbor Islands, and is commonly known as the Cove.

16. All that portion of water known as Red Fish Bay in Nueces county and Aransas county, and being all that body of water lying west of and between Shell Bank, Bird Island, Hog Island, Blackberry Island and Ransom's Island on the east, and the mainland on the west.

17. All that body of water on the west shore of St. Joe Island, beginning at a point on St. Joe Island called Ceaser's Point; thence in a southerly direction along the middle ground to a stake 600 feet due west of Allen's wharf; thence east to the west shore of said island; thence northerly with the meanders of said west shore to the place of beginning. Any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00), nor more than two hundred and fifty dollars (\$250.00). Each day shall constitute a separate offense, and in any and all prosecutions under this article, the identification of the boat from which the violation occurred shall be prima facie evidence against the owner or parties last in charge of such seines or nets.

Article 529l. It shall be unlawful for any person to catch any fish, green turtle or terrapin with seine or set net for market in any of the bays or coast waters of this State, or gather any oysters, tongs or otherwise, for market or planting from any of the public reefs or beds in this State, without having a license from the Fish and Oyster Commissioner,

or his deputy. Any person offending against this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than two hundred and fifty dollars (\$250.00), and each day shall constitute a separate offense.

Article 529u. It shall be unlawful for any person, firm, corporation or joint stock company to gather seed oysters for planting without first having obtained a permit or license to do so from the Fish and Oyster Commissioner, or his deputy; said permit or license to designate the reef or beds from which the applicant is allowed to gather seed oysters, and any person, agent, employe or officer of a firm, corporation or joint stock company gathering or having gathered oysters for planting from any bed or reef not designated, or who has no permit or license for gathering seed oysters, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). In any and all prosecutions under this article, the fact of having possession of, or having deposited oysters not culled, which are designated as seed oysters, shall be prima facie evidence against the party charged with the offense; provided, that this shall not be construed as against parties fishing for market and are conforming to the law in regard to culling.

SEC. 2. Whereas, the fact that the penal laws are now inadequate for the protection of the subjects of the foregoing act, therefore an emergency and an imperative public necessity exists that this act be passed under a suspension of the constitutional rule requiring a bill to be read on three several days, and that it take effect from and after its passage and it is so enacted.

SEC. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 23, nays 0; referred to the House of Representatives where the same was amended; Senate concurred in House amendments, no vote given; passed the House of Representatives by a two-thirds vote, yeas, 97, nays 0.]

Approved April 4, 1899.

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## HOGS, SHEEP AND GOATS—RUNNING AT LARGE—LOCAL OPTION.

H. B. No. 124.]

### CHAPTER LVII.

An Act to amend Chapter 5, Title 102, of the Revised Civil Statutes of Texas, of 1895, by adding thereto Article 5001a, 5001b and 5001c, providing for elections in a county or subdivision of a county to determine whether hogs, sheep and goats shall be permitted to run at large in such county or subdivision.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 5, Title 102, of the Revised Civil Statutes of Texas, of 1895, be and the same is hereby amended by adding thereto Articles 5001a, 5001b, and 5001c, as follows, to wit:

Article 5001a. After the adoption of the stock law in any county or subdivision no election under the preceding articles shall be held within the same prescribed limits in less than two years after an election under this title has been held therein; but at the expiration of that time the commissioners' court of each county in the State, whenever petitioned to do so by a majority of the freeholders, who are qualified voters under the Constitution and laws of a county which has formerly adopted the stock law, or by a majority of the freeholders, who are qualified voters under the Constitution and laws of the subdivision of a county which has formerly adopted the stock law, shall order another election to be held by the freeholders, who are qualified voters under the Constitution and laws of such county or subdivision, to determine whether hogs, sheep and goats shall be permitted to run at large in such county or subdivision, which election shall be ordered, held, notice thereof given, the votes returned and counted in all respects as provided by this Title for a first election.

Article 5001b. If, in a county or subdivision which has formerly adopted the stock law, a majority of the legal votes cast at such election shall be "against the stock law," the county judge shall immediately issue his proclamation declaring the result, which proclamation shall be posted at the court house door, and after the expiration of one hundred and eighty days from its issuance it shall be lawful to permit to run at large, within the limits designated, any animal of the class mentioned in said proclamation; if a majority of the legal votes cast at such election shall be "for the stock law," he shall so state in his proclamation, and the operation of the law shall be in no way effected by such election.

Article 5001c. Whenever there is territory between two subdivisions of a county which have adopted a stock law, or when there is territory adjoining a subdivision which has adopted the stock law, and in such territory there are less than fifty freeholders, an election shall be ordered on the petition of a majority of the freeholders residing in such territory, and the election shall be held as provided by law in other cases relating to the adoption of the stock law. And in cases where there are no freeholders on such intervening or adjoining territory, then on the petition of the owner or owners of the land to the commissioners' court the said commissioners' court shall issue an order extending the stock law to said territory, and the same shall be included in the territory of such adjoining subdivision.

SEC. 2. The fact that there is no law providing for stock law elections in counties or subdivisions of counties in which the stock law is now in force, which omission is at this time working a hardship upon many communities in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 90, nays 5; and passed the Senate by a two-thirds vote, yeas 23, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the tenth day of April, A. D. 1899, but was not signed by him nor returned to the House in which it originated with his objections

thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Took effect April 22, 1899.

## SHELBY COUNTY—COUNTY COURT JURISDICTION.

H. B. No. 540.]

### CHAPTER LVIII.

An Act to diminish the civil and criminal jurisdiction of the county court of Shelby county, to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of Shelby county shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors as provided by law, and to issue all writs necessary for the enforcement of its own jurisdiction, to punish contempt under such provisions as are now or may be provided by general law governing county courts throughout the State, but the said county court of Shelby county shall have no other jurisdiction, civil or criminal, whatsoever.

SEC. 2. That the district court of Shelby county shall have and exercise jurisdiction in all civil and criminal matters and causes over which, by the laws of this State, the county court of said county would have jurisdiction, except as provided in Section 1 of this act; all causes, other than probate matters and such as are provided by Section 1 of this act, be and the same are hereby transferred to the district court of Shelby county, and all writs and processes relating to any civil or criminal matter included in the subject matters of jurisdiction prescribed in Section 1 of this act, issued by or out of the said county court of Shelby county, be and the same are hereby made returnable to the next term of the district court of said county after this act takes effect.

SEC. 3. That the county clerk of Shelby county be and he is hereby required, within thirty days after this act takes effect, to make a full and complete transcript of all entries upon his civil and criminal docket heretofore made in cases which, by Section 2 of this act, are required to be transferred to the district court of said county, together with all the papers to such causes pertaining, a certified bill of cost in each case, and all such causes shall be immediately docketed by the district clerk; and such civil cases transferred shall stand on the docket of said court as appearance cases for the next succeeding term, and all criminal cases shall be docketed and disposed of in the same manner, as if the same had been originally triable in said district court, and all process now issued and returnable to said county court shall be returnable to said district court.

SEC. 4. That this act shall not be construed to in any wise or manner

effect judgments heretofore rendered by said county court of Shelby county pertaining to matters and causes which by Section 2 of this act are transferred to the district court of said county, but the county clerk of said county shall issue all executions, and orders of sale, and proceedings thereunder shall be as valid and binding to all intents and purposes, as though the change had not been made as by Section 2 therein contemplated.

SEC. 5. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 6. The importance of this legislation to Shelby county, and the crowded condition of the calendar rendering it improbable that this bill can be considered on three several days in both houses of the Legislature are such that an imperative public necessity exists for the suspension of the rule requiring bills to be read on three several days, and it is accordingly so ordered, and that this law take effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 1; and passed the Senate by a two-thirds vote, yeas 24, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the tenth day of April, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective April 22, 1899.

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## FIRST JUDICIAL DISTRICT—REGULATING TIME OF HOLDING COURT.

H. B. No. 381.]

### CHAPTER LIX.

An Act to regulate the terms and fix the times for holding the district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the First Judicial District shall be composed of the counties of Newton, Jasper, Orange, Jefferson and Tyler, and the district courts therein shall be held as follows:

In the county of Jasper, on the first Mondays in March and September, and may continue in session three weeks.

In the county of Newton, on the third Monday after the first Mondays in March and September, and may continue in session three weeks.

In the county of Orange, on the sixth Monday after the first Mondays in March and September, and may continue in session five weeks.

In the county of Tyler, on the eleventh Monday after the first Mondays in March and September, and may continue in session three weeks.

In the county of Jefferson, on the fourteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 2. That all process and writs heretofore issued or which may be issued up to the time this act takes effect, by or from the district court of said counties, and made returnable to the terms of said court as now fixed by law, shall be returnable to the next ensuing term of said court as prescribed by this act; and all such writs and processes are hereby legalized and validated, as if the same had been made returnable to the terms of said court as fixed by this act; provided, that this act shall only be construed as affecting the district courts of said First Judicial District.

SEC. 3. Whereas, the time now allowed by law for the terms of the district court in Jefferson county is not sufficient and by reason thereof the docket of said court is crowded with work undisposed of, renders it necessary, and creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 0; House concurred in Senate amendments by a two-thirds vote, yeas 89, nays 0; passed the Senate by a two-thirds vote, yeas 26, nays 0.]

Approved April 10, 1899.

Became effective April 10, 1899.

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## SAN SABA COUNTY—JURISDICTION OF THE COUNTY COURT.

H. B. No. 370.]

### CHAPTER LX.

An Act to diminish the civil and criminal jurisdiction of the county court of San Saba county, to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of San Saba county shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards; grant letters testamentary, and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors as provided by law, and to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions as are or may be provided by general law governing county courts throughout the State, but the said county court of San Saba county shall have no other jurisdiction, civil or criminal, whatsoever.

SEC. 2. That the district court of San Saba county shall have and exercise jurisdiction in all civil and criminal matters and causes over which, by the laws of this State, the county court of said county would have juris-

diction, except as provided in Section 1 of this act; all causes other than probate matters, and such as are provided by Section 1 of this act, be and the same are hereby transferred to the district court of San Saba county, and all writs and processes relating to any civil or criminal matters, not included in the subject matter of jurisdiction prescribed in Section 1 of this act, issued by or out of said county court of San Saba county, be, and the same are hereby made returnable to the next term of the district court of said county after this act takes effect.

SEC. 3. That the county clerk of San Saba county be and is hereby required within thirty days after this act takes effect to make a full and complete transcript of all entries upon their civil and criminal dockets heretofore made in cases, which by Section 2 of this act are required to be transferred to the district court of said county, together with all the papers to such causes pertaining, and a certified bill of cost in each case, and all such causes shall be immediately docketed by said district clerk; and such civil cases so transferred shall stand on the docket of said court as appearance cases for the next succeeding term, and all criminal cases shall be docketed and disposed of in the same manner as if the same had been originally triable in said district court, and all process now issued and returnable to the said county court shall be returnable to said district court.

SEC. 4. That this act shall not be construed to in any manner affect judgments heretofore rendered by said county court of San Saba county, pertaining to matters and causes which, by Section 2 of this act, are transferred to the district courts of said county, but the county clerk of said county shall issue all executions and orders of sale, and proceedings thereunder shall be as valid and binding to all intents and purposes as though the change had not been made, as by Section 2 herein contemplated.

SEC. 5. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the tenth day of April A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

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## FIFTIETH JUDICIAL DISTRICT.

H. B. No. 578.]

### CHAPTER LXI.

An Act to fix the time for holding the courts in the Fiftieth Judicial District, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the district court shall be held in the counties composing the Fiftieth Judicial District each year as follows:

In the county of Cottle, on the first Mondays in February and August, and may continue in session two weeks.

In the county of Motley, on the second Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Floyd, on the fourth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Hale, on the sixth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Lubbock, on the eighth Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Crosby, on the ninth Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Dickens, on the tenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of King, on the twelfth Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Knox, on the thirteenth Mondays after the first Mondays in February and August, and may continue in session four weeks.

In the county of Baylor, on the seventeenth Mondays after the first Mondays in February and August, and may continue in session six weeks.

The unorganized counties of Cochran, Lynn and Hockley are hereby attached to the county of Lubbock for judicial purposes.

SEC. 2. That all the processes issued out of or served before this act goes into effect returnable to the district courts in said judicial district shall be returnable to said courts as fixed by the terms of this act, and said process is hereby legalized and validated, and all grand and petit jurors selected and drawn under existing laws in any of the counties of said judicial district shall be considered lawfully drawn and selected for the next term of the district court of the respective counties held after this act takes effect, and all appearance bonds and recognizances taken in and for said court shall bind the parties therein obligated to appear at the next term of such court held under this act.

SEC. 3. That all laws in conflict with this act be and the same are hereby repealed.

SEC. 4. The fact that one week is not sufficient time for transacting the business in the district court of Dickens and Cottle counties, creates an emergency and imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended and that this bill take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 0; and passed the Senate by a two-thirds vote, yeas 24, nays 1.]

Approved April 11, 1899.

Became effective April 11, 1899.



## BOWIE AND WILBARGER COUNTIES—REMOVED FROM LIST OF EXEMPT COUNTIES.

H. B. No. 530.]

### CHAPTER LXII.

An Act to amend Chapter 12, Title 17, Revised Penal Code, so as to place Bowie and Wilbarger counties under the provisions of this chapter, relating to the recovery of stolen animals and the detection and punishment of thieves, and creating an emergency.

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas:* That Chapter 12, Title 17, Revised Penal Code, be amended so as to hereafter read as follows:

Article 887. (752) Upon the trial of any person charged with the theft of any animal of the horse, ass or cattle species, the possession of such stolen animal by the accused, without a written transfer or bill of sale containing a specific description of such animal, shall be prima facie evidence against the accused that such possession was illegal.

Article 888. (753) Any person who may be found in any county of this State, driving to market any animals such as are specified in the preceding article, and who has not in his possession a bill of sale or transfer for each and all of said animals, containing their marks and brands, or a list of such marks and brands of any of such animals as were raised by himself, both said bill of sale and list being duly certified as recorded by the clerk of the county court of the county from which such animals have been driven, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding two thousand dollars.

Article 889. (754) If any butcher or other person engaged in the slaughter of animals shall kill or cause to be killed any unmarked or unbranded animal for market, or shall purchase and kill or cause to be killed, any animal, without having taken a bill of sale or written transfer from the person selling the same, he shall be fined not less than fifty nor more than three hundred dollars.

Article 890. (755) The preceding article shall not apply to the slaughter of any animal raised by the person slaughtering the same.

Article 891. (766) (756) If any person engaged in the slaughter and sale of animals for market in any county, city, town or village in this State shall fail to report to the commissioners' court of the county in which he transacts such business, at each regular term thereof, the number, color, age, sex, marks and brands of every animal slaughtered by him since the last term of said court, accompanied with a bill of sale or written conveyance to him of every animal slaughtered, save such as were raised by himself, which shall be specified, he shall be punished by a fine of not less than fifty nor more than three hundred dollars.

Article 892. Every person, before he shall set up and carry on the trade or occupation of a butcher or slaughterer of cattle in the State of Texas, shall file a bond to be approved by the county judge of the county in which he resides to carry on the business, in a sum not less than two hundred dollars, nor more than one thousand dollars, payable to the State of Texas, conditioned that he shall keep a true and faithful record in a book kept for that purpose of all cattle purchased or slaughtered by him, with a description of the animal including marks, brands, age,

color, weight and from whom purchased and the date thereof; that he will have the hide and ear of such animal inspected by the inspector, or some magistrate of the county within twenty days after it is slaughtered, and that he will not purchase any cattle that has been slaughtered by another unless the hide and ears of such slaughtered animal accompany said animal offered for sale, and that he will not purchase any animal that has been slaughtered by another when the ear marks or brands on the hide accompanying such animal when offered for sale, have been changed, mutilated or destroyed.

Article 893. Every person who shall carry on the business of butcher or slaughterer of animals without having filed with the clerk of the county court of the county in which he conducts such business the bond provided for in Article 892 shall be fined in any sum not less than five dollars nor more than two hundred dollars.

Article 894. Every person who shall carry on the business of butcher or slaughterer of animals and shall fail to keep a true and faithful record, in a book kept for the purpose, (of) all cattle purchased and slaughtered by him, together with a description of each animal, including brand, age, color, weight and from whom purchased and the date of purchase, or shall fail to give the hide and ears of such animal or animals inspected by the inspector or some magistrate, within twenty days after such animal is slaughtered, shall be fined in any sum not less than twenty dollars nor more than two hundred dollars.

Article 895. Any person engaged in butchering or slaughtering and (who) shall purchase any cattle that have been slaughtered by another without the hide and ears of such animal accompanying the same, or shall purchase any animal that has been slaughtered by another when the ear mark or brand on the hide accompanying the same, when offered for sale, have been changed, mutilated or destroyed, shall be fined in any sum not less than fifty nor more than two hundred dollars.

Article 896. The record provided for in Article 894 of this Chapter shall be open to the inspection of all parties, and any butcher refusing to permit such inspection at any reasonable hour shall be fined in any sum not exceeding twenty-five dollars.

Article 897. In addition to the criminal prosecution that may be brought under this law, it is the duty of the county attorney to bring a civil action against any butcher or slaughterer of animals for any violations of the terms of the bond prescribed in Article 829.

Article 898. It shall be the duty of the inspector or magistrate to keep a record of the marks, brands, color and general description of such hides, and for whom inspected, with the date of inspection, and return a copy of the same to the clerk of the county court of the county in which it was inspected within thirty days after said inspection, and said inspector or magistrate shall be entitled to receive ten cents for each hide so inspected, to be paid by the party having the hide inspected, and any inspector or magistrate failing to keep such book, or failing to make such report as above provided for, may be fined in any sum not less than one dollar, nor more than twenty-five dollars.

Article 899. The provisions of this law shall not apply to either of the following counties: Collin, DeWitt, Goliad, Karnes, Lamar, Bee, Victoria, Calhoun, Refugio, Bell, Coryell, Hamilton, Mills, Brown, Comanche, Lavaca, Llano, San Saba, Anderson, Concho, Runnels, Coleman,

Travis, Grayson, Cook, Montague, Colorado, Bexar, Jasper, Newton, Orange, Jefferson, Polk, San Jacinto, Tyler, Chambers, Hardin, Liberty, Harrison, Smith, Upshur, Gregg, Wood, Rains, Cass, Morris, Titus, Lee, Bastrop, Fayette, Hill, Johnson, Ellis, McLennan, Falls, Robertson, Milam, Galveston, Brazos, Brazoria, Matagorda, San Patricio, Guadalupe, Caldwell, Hayes, Blanco, Comal, Tarrant, Wise, Parker, Jack, Dallas, Nacogdoches, San Augustine, Shelby, Sabine, Panola, Rusk, Hunt, Hopkins, Delta, Franklin, Camp, Angelina, Houston, Leon, Grimes, Madison, Kaufman, Rockwall, Fannin, Red River, Van Zandt, Henderson, Cherokee, Bosque, Hood, Erath, Somervell, Denton, Trinity, Walker, Montgomery, Harris, Austin, Washington, Wharton, Fort Bend, Walker, Burleson, Limestone, Freestone, Navarro, Mason, Medina, Kimble, Kerr, Kendall, Bandera, Sutton, Gillespie, Williamson, Lampasas, Burnet, El Paso, Presidio, Brewster, Midland, Reeves, Marion, Ward, Jeff Davis, Palo Pinto, Eastland, Jones, Shackelford, Callahan, Baylor, Knox, Haskell, Wilson.

Article 901. (757) If any auctioneer or other person shall sell at auction, any horse, mule or ox, without first requiring from the party for whom such sale is made a written statement signed by him of the manner in which, and the name and residence of the person from whom he acquired such animal, he shall be fined not less than fifty nor more than one hundred dollars.

Article 902. (758) If any auctioneer or other person shall sell at auction any horse, mule or ox, and shall fail within ten days after such sale, to file with the clerk of the county court the written statement specified in the preceding article, duly attested with his certificate as to its genuineness, and accompanied with a further certificate containing an accurate description of the animal sold, together with the names and residence of the seller and purchaser, he shall be punished as prescribed in the preceding article.

Whereas, the said law exempting Bowie and Wilbarger counties seriously interfere with the enforcement of the criminal laws against theft, an emergency is created and an imperative public necessity requires the suspension of the constitutional rule requiring bills to be read on three several days; said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, yeas 72, nays 14; and passed the Senate by a two-thirds vote, yeas 23, nays 1.]

Approved April 11, 1899.

Takes effect April 11, 1899.

## BELL COUNTY—ROAD SYSTEM.

H. B. No. 710.]

CHAPTER LXIII.

An Act to create a more efficient road system for Bell county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax-payers on the public roads, and relieving them from the performance of said work by the payment of the sum of three dollars, and providing further, making this law cumulative of the General Laws and in case of a conflict this act to govern as to Bell county, Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners' court of Bell county, shall be ex-officio road commissioners of their respective districts, and, under the direction of the commissioners' court, shall have charge of all teams, tools and machinery belonging to the county and placed in their hands by the said court; and it shall be their duty, under such rules and regulations as the commissioners' court shall prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges.

Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law, or by the commissioners' court, and that he will properly account for all money or property belonging to the county that may come into his possession; provided, that with the consent of the commissioners' court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that a county commissioner shall not be allowed any compensation as road commissioner when a deputy road commissioner has been appointed.

SEC. 2. The commissioners' court of said county shall have full power and authority and it shall be their duty to adopt such system for working, laying out, draining and repairing the public roads in said county as they may deem best, and from time to time said court may change its plan or system of working.

Said commissioners' court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads.

Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract.

In such case the court or the county judge may advertise in such manner as the court may determine, for bids to do such work, and the contract

shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the county judge of said county, for the use of the road and bridge fund, with good sufficient sureties to be approved by said court, and in such sum as said court shall determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids.

At the time of making any such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said court, and the said court shall have the authority to employ any hands or teams to work on the road, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners' court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as it may prescribe, and each convict so worked shall receive a credit of fifty cents per day, first on his fine and then on the cost, for each day he may labor.

The commissioners' court may, at a regular term, allow to the officers and witnesses such amount of their cost for the arrest and conviction of said convict as it may deem best; provided, that it shall not allow to any officer or witness an amount greater than one-half of such fees as may have been legally taxed for him in the cause in which said convict was convicted, which amount shall be paid to such witnesses and officers out of the road and bridge fund on the warrant of the county judge when said fine and costs have been worked out as provided in this section; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he would be liable under the General Laws of this State.

The commissioners' court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior; provided, that such commutation shall in no case exceed one-tenth of the whole time; provided, that no such commutation shall in any way affect the fees of the officers in such cases.

The commissioners' court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts.

SEC. 4. Each county commissioner shall have control over all road overseers in his district, and shall deliver to each of these all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners' court, taking the receipt of said road overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any team, tool or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession, caused by his negligence or misconduct.

It shall be the duty of the road overseer, when he has finished work on his road, to return to said commissioner all teams, tools and machinery received from him, and to take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner, when acting

as road commissioner, to inform himself of the condition of the public roads in his district, and he shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all road overseers of his district.

SEC. 6. Each road overseer shall, during each year, call out all hands subject to road duty, to work five days, and in case the term of service as prescribed by the General Laws shall be extended beyond that time, then they shall be called out to work as many days as may be so allowed.

Each road overseer shall have control of all road hands within his road district, and he shall see that each hand, when called out, shall perform a good day's work, and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

The commissioners' court may allow to any overseer, who shall be engaged in the discharge of the duties of office for more than five days during any one year, a compensation not to exceed one dollar and one-half per day for the time so served, when such extra work is ordered by the commissioner of his precinct.

And any road overseer may when he deems expedient, and at the time of notifying any hand to work upon the road, also summon such hand as may be the owner of a team suitable for road work, to bring such team with him to be used in working upon the road during such time as the hand may be notified to work upon the road, and after such notice given, if such hand shall fail or refuse to bring his team with him as notified to do, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons; provided, that any hand for so doing shall be credited with and allowed two days and one-half upon the time for which he is liable to road duty for each day he may work in connection with and while furnishing such team, and one and one-half days for his team without such hand.

SEC. 7. Any citizen of Bell county liable for road duty, who shall on or before the first day of January of any year, pay to the county treasurer, the commissioner of his precinct, or the road overseer, in case the road overseer is authorized to receive the same, of his road district, the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of January; and any person so liable to road duty may, at any time before he has worked out the full five days as required, pay to the county treasurer, the commissioner of his precinct or to the road overseer of his road district, in case the road overseer is authorized to receive the same, the sum of sixty cents for each day of the remaining time for which he may still be liable to road duty, and by so doing shall be exempt from road duty for such year.

The treasurer or the road overseer to whom the money may be so paid shall receive the same and receipt for it, and when any money shall be so paid to any road overseer, it shall be by him promptly paid to the county treasurer, who shall also receive and receipt for all the money so paid to him by such road overseer, and when the treasurer may receive any money under the provisions of this section he shall place the same to the credit of the road and bridge fund, and he shall keep a separate account for each road district from which it is received; and the county treasurer shall, as

soon after each payment hereunder as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 8. At the regular term of the commissioners' court in February of each year, all road overseers shall make their reports, under oath, upon forms to be furnished them by said court, which said report shall be examined by said court, and all accounts of moneys had and expended by him shall be audited and settled, and as soon thereafter as practicable said commissioners' court shall appoint and commission road overseers for the succeeding year, and in the event of the removal, death, refusal, failure or inability to act on the part of any road overseer so appointed, the county court or commissioner of the precinct shall have authority to fill the vacancy, and report his action in writing to the county clerk, who shall record the same in the minutes of the commissioners' court, either in term time or vacation.

Any overseer intentionally failing to perform his duties as such overseer or failing or refusing to make his report as required by law, or to perform any other duty required of him by law, or the commissioners' court or by the commissioner of the district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 9. Any road overseer upon his appointment may make a good and sufficient bond, payable to the county judge of Bell county, for the benefit of the road and bridge fund, in such sum as the commissioners' court may prescribe, said bond to be approved by the commissioners' court, and which shall be conditioned that he will properly account for and promptly pay over to the county treasurer all the money coming into his hands as road overseer, and upon the approval of such bond by the commissioners' court the county clerk shall issue to such road overseer a commission under the seal of his office to collect such moneys as may be payable to him under the provisions of Section 7 of this act, and such commission shall be his authority for collecting said money, and no road overseer shall be authorized to collect the money payable thereunder without having given such bond and having such commission, and all persons are put upon notice whether or not any road overseer has such authority.

SEC. 10. Every insolvent poll tax-payer of Bell county who shall fail or refuse to pay his poll tax, and if such tax cannot be otherwise collected by law, shall be compelled to pay such tax by working on the public county roads of such county for three full days.

In order to enforce the provisions of this section, the tax collector of the county shall furnish to the several road commissioners of the county the names of all defaulting poll tax-payers of the county, on or before the first day of March of each year, giving the place of residence of such defaulting tax-payer, together with the amount due and unpaid by him.

It shall be the duty of the road overseer, whenever any defaulting poll tax-payer shall have discharged and paid the same, as herein provided, to report the same back to the tax collector who shall credit the party on the tax roll for the amount paid; said overseer shall also report the same in his regular report to the commissioners' court.

The persons required to do road duty, under the provisions of this article, shall be subject to prosecution for failure to so work, and subject

to the same liabilities and punishments provided by the criminal laws of the State for other cases for failure to appear and do good work when summoned so to do.

And when they are convicted for so failing to work the roads they shall satisfy the fine and costs as in other convictions of misdemeanor.

But any person summoned to work on the road, under the provisions of this article, may satisfy said summons and be relieved from said duty by paying to the road overseer, road commissioner or county treasurer the sum of three dollars, all of which shall go to the road and bridge fund.

This article shall apply as well to the delinquent poll tax-payers in incorporated cities and towns as to those outside of said cities and towns.

SEC. 11. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, grading, making embankments, filling or draining any road, or part thereof, if the owner of such land and the county commissioners' court cannot agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 12. Any road commissioner may enter upon and take from any land adjacent to any first or second class road, earth, gravel, stone or other material necessary for the construction, repair, grading or improving of such road, except fuel and wood, paying therefor if the owner of such land and the road commissioner can agree on the price thereof, the value of such material taken and the amount of damage occasioned to any such land or appurtenances, and if such owner and road commissioner cannot agree, then the value of such material and the damage occasioned to such real estate may be ascertained, determined and paid as provided for in Articles 4446 and 4447, of the Revised Statutes of 1895.

SEC. 13. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners' court, shall be entitled to two dollars per day for services actually performed; provided, that he shall not receive more than one hundred dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners' court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days work actually performed by him, and that it was necessary to be done, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of a county commissioner.

SEC. 14. This act shall be taken notice of by all courts in the same manner as the General Laws of this State, and it shall be construed to be cumulative of the General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to the county of Bell; and an act passed at the Regular Session of the Twenty-third Legislature... day of....., 1893, providing a special road law for Collin, Grayson, Williamson, Lamar and Bell counties is hereby repealed only as to Bell county.

SEC. 15. The fact that this session of the Legislature is rapidly draw-



ing to a close and the condition of the road system of Bell county is such as to require immediate action, creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 0; House concurred in Senate amendments by a two-thirds vote, yeas 106, nays 0; and passed the Senate with amendments by a two-thirds vote, yeas 26, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the eleventh day of April, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect April 23, 1899.

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## DRAINAGE BY COUNTIES.

S. H. B. No. 523.]

### CHAPTER LXIV.

An Act to provide for the construction and maintenance of drains, ditches and water courses for the improvement and enlargement of natural drainage of the several counties within the State of Texas; authorizing commissioners' courts to order an election for the purpose of determining upon the levy of a tax for the construction of such ditches, drains and water courses, and providing for assessment and collection of such tax, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas.* That the commissioners' court of any county in this State, at any regular or called session thereof, may in the manner hereinafter provided, and shall have power whenever the same shall be conducive to the public health, convenience or welfare, or when and whenever the same will be of public benefit and utility, to cause to be straightened, widened, altered, deepened, any creek, bayou or other stream or water course, and shall cause to be constructed and maintained as hereinafter provided any ditch, drain or water course within any of the said counties, and shall have power to make the said improvement, if necessary, by removing from any adjacent lands, or any stream or water course, any timber, bush, tree or other substance liable to or causing the obstruction thereof, and shall also have power to construct in connection with any such ditch or drain, any side, lateral, spur or branch ditch or water course necessary to the accomplishment of the purposes of this act; provided, however, that no ditch, drain, outlet or water course shall be deepened, widened, constructed or maintained without a sufficient outlet being provided for all water that may collect therein; provided further, that the word "ditch" in this act hereafter shall be construed to embrace any ditch, drain or water course that may be constructed under the provisions of this act.

SEC. 2. That before the commissioners' court of said county shall cause to be straightened, widened, altered or deepened any creek, bayou or other stream, or water course, there shall be filed with the county court of said county a petition, signed by at least fifteen qualified voters, freeholders and property tax-paying citizens of the county, setting forth the necessity thereof, with a general description of the creek, bayou, or other stream or water course proposed to be straightened, widened, altered, deepened or improved, also the starting point, route and terminus of said ditch, drain or water course, and the said petitioners shall enter into a bond not to exceed the sum of \$500, with five good and sufficient sureties, payable to the said county, to be approved by said commissioners' court, conditioned to pay all the expenses of preliminary surveys, jury of view, setting of stakes and monuments, bench marks, preparation of maps, plats, profiles, estimates and specifications for said work and the filing of the same, in the event the election to be held for the purpose of determining whether a tax shall be levied to cover the cost of such improvement, as hereinafter provided, shall be against the levy of such tax.

As soon as said petition and bond is filed, said court shall, if in regular session or at their next regular session, appoint a jury of three freeholders and householders of the county who shall constitute a jury of view, who shall meet at a time and place specified by said court in the order making said appointment preparatory to the commencement of their duties as hereinafter specified, and it shall be the duty of said clerk of the said court thereupon to issue to said viewers a notice of the filing of said petition and of the order of the court appointing them.

They shall proceed at the time set in said order, with the county surveyor, to make an estimate of the work necessary to straighten, alter, widen or deepen any ditch, drain or water course, and to make an accurate survey of the line of said ditch, drain or water course from its source to its outlet, and they shall establish permanent bench marks along said line, at intervals of one mile or less, as may be necessary, and they shall prepare a map showing the location of said ditch, drain or water course, together with the position of stakes or monuments with numbers corresponding with those on the ground, and they shall, in tabulated form, give the depth of cut, width at bottom and width at top at the source and outlet of said ditch, drain or water course; and they shall make a computation of the total number of cubic yards of earth to be excavated and removed from said ditch, drain or water course, and an estimate of the total cost of construction of the whole work, and they shall prepare specifications in detail for the execution of the same; and they shall have power, when they find it necessary, to provide for running said ditch under ground through drain tiles or other materials as they may deem best, by specifying size of tile or other kind of materials to be used in such underground work and shall include the cost of the same in the estimate of the total cost of the work; and they shall submit with their report a copy of the map and profile of the line of said ditch, drain or water course, and copy of the specifications for the construction of the same, which, together with the report, shall become a public record and shall be placed in the custody of the county clerk to be preserved as such.

SEC. 3. The said jury of viewers, as provided for in this act, shall issue a notice in writing to the land owner through whose land such pro-

posed ditch or drain may run, or to his or their agents or attorneys, of the time when they shall proceed to lay out such ditch or drain, or when the commissioners' court will assess the damages incidental to the construction of the same, which notice shall be served upon such owner, his agent or attorney, at least five days before the day named therein; if such owner is a non-resident of the county, the notice shall be given by a publication in a newspaper published in the county as notices are required to be given to non-resident defendants in actions in the district or county court.

SEC. 4. Any person, company or corporation dissatisfied with the judgment of the commissioners' court estimating the amount of damages to accrue to them by reason of the proposed ditch or drain, by filing exceptions to said judgment in writing ten days after rendition, which exception shall be entered upon the records of the county court of the county, and also filing within said ten days and with the clerk of said court an appeal bond, with at least two good sureties to be approved by the said county clerk, conditioned that he or they will prosecute such appeal to effect and pay all costs that may be adjudged against them, may appeal from said judgment to the county court.

Provided, that said appeal shall not be heard in the county court until after the matter of the establishment and construction of such ditch or drain shall have been determined upon by the election to be held as hereinafter provided, and the result of said election shall be in favor of the construction of such ditch or drain, and upon such appeal there shall be heard and determined only the question of damage.

If more than one person shall appeal the judge of said court shall order the said cases to be consolidated and tried together, and the rights of each party shall be separately determined by the said court and jury, if any, in its verdict and final determination, and the cause so appealed and conducted in said county court shall have precedence over all other causes on the docket of different nature and shall be tried and determined as other civil cases in said court.

Either party to such action may appeal to such appellate court as has jurisdiction of said cause, provided the amount of the judgment appealed from shall exceed one hundred dollars, and said actions shall be returnable at once to said appellate court at either of its terms, and said action so filed shall have precedence in said appellate court of all cases of different character therein pending.

In the trial of all cases appealed from the commissioners' court, the burden of proof shall rest upon the complainant.

SEC. 5. The commissioners' court and jury of view, acting under its orders, are hereby authorized to enter upon, for the purposes of preliminary surveys, setting of stakes, etc., the property of any person, company or corporation through which such ditch, drain or water course runs, and they (the commissioners' court) shall have power to condemn property for said purposes in same manner as prescribed for condemnations for right of way for railroad companies.

SEC. 6. When the said commissioners' court shall have concluded that said ditch or drain is a public necessity and conducive to the public health, convenience or welfare, or that the straightening, cleaning, widening, altering and deepening any stream, creek, bayou or other water

course, shall be a public necessity, and conducive to the public health, convenience or welfare, they shall proceed to order an election for the whole county, or any subdivision thereof, to be defined in their order, to determine whether there shall be levied upon the property within said county or such subdivision, by the said commissioners' court, a drainage tax not to exceed fifteen cents on the one hundred dollars valuation of the property within the county or such subdivision, which said order shall fix the amount to be levied; said election to be held at a time to be fixed by order of the court, not less than twenty or more than ninety days from the date of the order therefor.

It shall not be necessary to give any formal notice of such election, except the county judge shall issue his election proclamation, and the fact that such election is to be held shall be published in some newspaper of the county as fully as practicable, and tickets for the election shall be printed by the county, and sent to each voting precinct by the county judge before the election opens, and as long before such time as practicable.

The expenses of the election shall be paid by the county.

If the election be ordered within ninety days of a general election, it shall be held on the day of the general election and in the manner of holding such general election; but otherwise the commissioners' court shall order a special election to determine whether said tax shall be levied, which shall be conducted as other elections, and the officers to conduct the same shall be appointed as in other cases.

SEC. 7. Only qualified voters who pay a property tax in the county and who live in the county shall be permitted to vote at such election.

The tickets printed and to be voted shall have written or printed on them the words "For the tax" and "Against the tax," and those who favor the tax shall vote the ticket for the tax, and those opposed to the tax shall vote the ticket against the tax.

Provided, whenever a contract for the construction of ditches shall have been entered into, no repeal shall affect or annul such contract, and the taxes necessary to pay the amount due and to become due on such contracts shall be levied and collected and disbursed as if there had been no repeal of the tax.

SEC. 8. If at any such election a majority of the qualified voters, voting therefor, shall vote for such tax, it shall not be necessary to make further proclamation of that fact than to count the votes, as in other cases, and officially announce the result; and the commissioners' court shall thereby be authorized and required to levy a drainage tax, in the same manner that other taxes are levied, in the amounts specified in said order for such election, never to exceed fifteen cents on the one hundred dollars worth of property; the levy shall be made at the same time other county taxes are levied, if such election is held in time therefor, but otherwise it may be made at any time before the rolls are made out and settlement effected.

If at the election the proposition for said tax shall carry, no petition for its repeal shall be granted in less than five years following; but if it fails to carry, another petition may be granted in one year, but no sooner, and the order granting the second or any subsequent petition may fix a greater or less rate of levy, not to exceed fifteen cents on the one hundred dollars worth of property; and if no greater rate is levied for any one year,

the commissioners' court may lower the rate for the next year without a petition therefor.

An election to repeal the levy may be ordered and held as in other cases, but there must be satisfactory proof presented to said commissioners' court that there is great dissatisfaction with such tax, and that it is probable that a majority of the citizens of the county who are authorized to vote will vote for the repeal of the law, and unless such proof be made, the petition to repeal shall not be granted.

SEC. 9. It shall be the duty of the tax assessor and tax collector of each county to assess and collect the taxes herein provided as in other cases; and the tax collector shall report to the county treasurer the amount of taxes collected under the provisions of this act, and it shall be the duty of the county treasurer to keep a separate account of all taxes paid over to him by the collector under the provisions of this act, and it shall also be the duty of the county treasurer to pay all warrants drawn by the clerk of the county court under an order directed by the commissioners' court of the county drawn upon said funds, and make his report of said funds as in other cases.

SEC. 10. That when the commissioners' court of any county shall have, by proper order, established any drain or ditch, the construction of the same shall be let by the said commissioners' court to the lowest responsible bidder, after suitable advertising, as a whole, or in such sections or subdivisions as the board may deem most advantageous.

Such work to be done under the direction and supervision of the said engineer, who shall report the same to the commissioners' court for their final action.

That the said contractor or contractors shall be required to give a good and sufficient bond, with two or more good and sufficient sureties, to be approved by the said commissioners' court, in an amount to be fixed by the said court, as in their judgment may be best, for the faithful construction of said work.

Provided, however, that any person through whose lands the proposed work shall pass, upon application to the commissioners' court, before the contract is let, shall be entitled to do so much of the proposed work as is upon or passes through his lands.

Provided, such application shall be made twenty days before the advertisement for the said contract; and provided, he shall undertake to do such work upon equally favorable terms with those offered by any one else; and provided further, that he shall execute such a bond as required by the said contractor.

And if such person should fail to construct such work, as hereinbefore provided by the said contractor, within the time required by the commissioners' court, then all right to construct the same shall be forfeited and cease and determine; and the commissioners' court shall let the construction of the same as in this act provided.

SEC. 11. The commissioners' court shall pay the said contractor or contractors or persons constructing the said drain, out of any funds in the county treasury collected as aforesaid, upon the report of the said engineer, by said court approved, from time to time as the said contract progresses, and according to such terms as they may agree upon with such contractor.

SEC. 12. That all liens, remedies and modes of procedure by the laws

of the State of Texas now provided for the collection of ad valorem taxes and taxes upon real estate, shall obtain and be in force and apply for the collection for the assessments herein provided for the construction of said drains.

SEC. 13. It shall be the duty of the commissioners' court to audit all claims against the county for work and expenses under the provisions of this act, and for all claims allowed, said commissioners' court shall, by an order duly entered upon the minutes of said court, direct the clerk of the county court to issue a warrant payable out of the drainage fund and directed to the county treasurer for the amount allowed by said court.

SEC. 14. All taxes and money collected under the provisions of this act shall be known as the drainage fund.

SEC. 15. If any person shall wilfully or negligently obstruct or cause to be obstructed any ditch mentioned in this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

SEC. 16. Nothing herein contained shall be so construed as to repeal any laws now existing on the subject of drainage, but shall be an additional and cumulative method of constructing public ditches, drains and water courses.

SEC. 17. This act shall be so construed as to apply to drainage only, and shall not be construed to apply to ditches made for the purpose of irrigation.

SEC. 18. The fact that in some portions of this State citizens are suffering greatly for the want of a law under which drainage can be successfully operated and maintained, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 87, nays 4; and passed the Senate by a two-thirds vote, yeas 25, nays 0.]

Approved April 11, 1899.

Became effective April 11, 1899.

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## ELECTIONS—QUALIFICATION OF VOTERS—AMENDMENT.

H. B. No. 308]

CHAPTER LXV.

An Act to amend Article 1731, of the Revised Civil Statutes of the State of Texas, relating to qualification of voters at elections.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1731, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 1731. Every male person who is subject to none of the disqualifications named in the preceding article, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State for one year next preced-

ing an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified voter. And every male person of foreign birth, subject to none of the foregoing disqualifications, who, not less than six months before any election at which he offers to vote, shall have declared his intention to become a citizen of the United States in accordance with the Federal naturalization laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified voter.

Approved April 11, 1899.

Takes effect 90 days after adjournment.

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## RAILWAYS—RECEIVING FREIGHT FROM WATER CRAFTS.

H. B. No. 350.]

### CHAPTER LXVI.

An Act to require railway companies to receive and transport all freight coming to them from steamships, steamboats and other water craft and vessels, without discrimination for or against any other steamship line, steamboat line, owner or company, or the owner or owners of any other water craft or vessel.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all railway companies doing business in this State shall be and they are hereby required to receive from all steamships, steamboats and other water craft and vessels, at their usual places for receiving such freights at the several ports on the coast of Texas, and on the inland waterways in this State, all freights and passengers coming to it from such steamships, steamboats and other water craft and vessels, and destined to points on its line, or to points beyond its line or any other line of railway with which said line may connect or cross, and shall transport the same over its said line to destination, if on its line, or to the connecting or cross line in the direction of destination, if beyond its line, without delay or discrimination in favor of or against such steamship line, steamboat owner or company, or the owner of any other water craft or other vessels from whom such freight or passengers are received, and upon the same terms and conditions with those made by such railway company for like or similar service, with any other person, steamship company, steamboat company or owners, or any other water craft or vessel, with which it does business at such points or stations as aforesaid.

SEC. 2. If any railway company doing business in this State shall fail or refuse to interchange business with any steamship line or company, or any steamboat line or company, or any other water craft or vessel, on the same terms and conditions, or for the same compensation or pro rata that it interchanges business with any other steamship line or company, steamboat line or company, or any other water craft or vessel, it shall be deemed guilty of discrimination within the meaning of Title XCIV, Chapter 10, of the Revised Statutes of the State of Texas, and every railroad company so offending shall, for every such offense, forfeit and pay to the State of Texas, a penalty of not less than five hundred dollars nor more than five thousand dollars, to be collected in the manner and in the courts as

prescribed for the collection of other penalties, in Revised Statutes, Article 4577, of this State, and in addition thereto shall forfeit and pay to the corporation, person or persons aggrieved thereby, the sum of one thousand dollars as penal damages for each and every act of discrimination or violation of this act, which may be recovered in a civil action in any court in this State having jurisdiction by law of the amount in controversy, in the name of the corporation, person or persons so suing; provided, that nothing in this act shall be so construed as to prevent the recovery of any other damages by an aggrieved person, firm or corporation accruing by reason of the violation of this act, or to relieve any railway company, or its officers, managers or agents from prosecution under any penal law of this State.

SEC. 3. That this act shall not have the effect to relieve or waive any right of action by the State, or any other person, firm or corporation for any right, penalty or forfeiture which may have arisen or may hereafter arise under any law of this State, and that all penalties accruing under this act shall be cumulative of each other, and a suit for or recovery of one shall not be a bar to the recovery of any other penalty.

SEC. 4. That this act take effect and be in force from and after ninety days after the adjournment of the present session of the Legislature.

Approved April 12, 1899.

Takes effect 90 days after adjournment.

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## BONDS—REQUIRING COUNTY COMMISSIONERS AND CITY COUNCILS TO SUBMIT TO A VOTE.

S. B. No. 35.]

### CHAPTER LXVII.

An Act requiring the county commissioners' court of any county, or the city council of any incorporated town or city in the State, to submit propositions for the issuance of bonds to a vote of the qualified tax-payers of such county or incorporated city or town; and to repeal the provisions of all city charters in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Hereafter it shall be unlawful for the commissioners' court of any county, or the city council of any incorporated town or city in this State to issue the bonds of said county for any purpose authorized by law, unless a proposition for the issuance of such bonds shall have been first submitted to a vote of the qualified voters, who are property tax-payers of said county, incorporated town or city, and unless a majority of the said qualified property tax-payers, voting at said election, is in favor of the proposition for the issuance of bonds, then the said bonds shall not be issued. If the proposition for the issuance of bonds be sustained by a majority of the said property tax-payers voting at said election, then the said bonds shall be authorized and shall be issued by the said commissioners' court; provided, that this act shall not be construed to authorize and render valid bonds without being first submitted to the Attorney-General and certified to by him as now required by law.

SEC. 2. The proposition to be submitted for the issuance of bonds shall



distinctly specify the purpose for which the bonds are to be issued, the amount thereof, the time in which they are payable, and the rate of interest. And all voters desiring to support the proposition to issue bonds shall have written or printed upon their ballots the words "For the issuance of bonds," and those opposed shall have written or printed upon their ballots, the words "Against the issuance of bonds."

SEC. 3. The commissioners' court or city council of said incorporated town or city shall determine the time and place or places of holding said election, and the manner of holding same shall be governed by the laws of the State regulating general elections.

SEC. 4. This act shall not apply to funding bonds, issued or to be issued for the funding of any valid outstanding bonds of said county; provided, that this act shall not apply to any bond issue when for a sum less than two thousand dollars, when issued for the purpose of repairing buildings or structures for the building of which bonds are allowed to be issued.

SEC. 5. All sections of any special charter for any city in conflict with the terms of this bill are hereby expressly repealed.

SEC. 6. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved April 12, 1899.

Takes effect 90 days after adjournment.

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## RAILROADS—ACQUIRING NEW RIGHT OF WAY.

S. B. No. 223.]

### CHAPTER LXVIII.

An Act to amend Article 4445, of the Revised Civil Statutes of the State of Texas, and to authorize railroad corporations to acquire new right of way for the purpose of shortening the line or reducing the grades.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 4445, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so that it shall hereafter read as follows:

Article 4445. If any railroad corporation shall at any time be unable to agree with the owner for the purchase of any real estate or the material thereon required for the purposes of its incorporation or the transaction of its business for its depots, station buildings, machine and repair shops, reservoirs for the water supply or for the right of way or for new right of way for change or re-location of road bed to shorten the line or any part thereof or to reduce its grades or any of them (which is hereby authorized and permitted, or for any other lawful purpose connected with or necessary to the building, operating or running its road, such corporation may acquire such property in the manner provided in this chapter; provided, that the limitation in width prescribed in Article 4425, shall not apply to real estate or any interest thereon required for the purposes herein mentioned, other than right of way, and that real estate or any interest therein to be acquired for such other purposes or either or any of them need not join or abut on the right of way; provided further, that no

change of the line through any city or town or which will result in the abandonment of any station or depot, shall be made except upon written order of the Railroad Commission of Texas, authorizing such change.

SEC. 2. The fact that it is now doubtful whether a railroad company, under the present law, has the power conferred by Section 1 hereof, and that the public interest would be promoted by shortening of lines or reduction of grades, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 24, nays 0; reported to the House, where it was amended and reported back to the Senate; that the Senate concurred in House amendments, but does not show the vote by which amendments were concurred in, nor that by which it passed the House.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the thirteenth day of April, A. D. 1899, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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### FISH AND GAME—AMENDMENT.

H. B. No. 386.]

#### CHAPTER LXIX.

An Act to repeal Section 2, Chapter 153, of the Acts of the Twenty-fifth Legislature, page 219, passed May 21st, 1897, entitled An Act to prohibit the taking of fish from the fresh water lakes and streams of this State, otherwise than by the ordinary hook and line and trot line, and to prohibit the sale or shipping of game fish in the State, and to provide penalties for the violations thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 2, of Chapter 153, Acts of the Twenty-fifth Legislature, page 219, passed May 21st, 1897, entitled "An Act to prohibit the taking of fish from the fresh water lakes and streams of this State otherwise than by ordinary hook and line and trot line, and to prohibit the sale and shipping of game fish in the State, and to provide penalties for the violation thereof," be and the same is hereby repealed.

SEC. 2. The present crowded condition of the calendar and the fact that under the present law many citizens of this State are prohibited from buying, selling, or shipping fish, creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 91, nays 0; and passed the Senate by a two-thirds vote, yeas 24, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the fourteenth day of April, A. D. 1899, but was not

signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective April 27, 1899.

## RAILROADS—CONDEMNATION PROCEEDINGS.

S. B. No. 45.]

### CHAPTER LXX.

An Act to amend Article 4471, of Chapter 8, Title 94, of the Revised Civil Statutes of the State of Texas, of 1895, so as to permit railroad and other corporations having the right of eminent domain to enter upon and take possession of property sought to be condemned, pending litigation, upon the payment or security of the award of the commissioners appointed to appraise, and costs; and the deposit of money sufficient to cover additional damages that may be adjudged and the giving of a bond for future costs; and to repeal all laws in conflict herewith.

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas:* That Article 4471, of Chapter 8, Title 94, of the Revised Civil Statutes of the State of Texas, of 1895, be and the same is hereby amended so as hereafter to read as follows:

Article 4471. In no case shall such corporation be entitled to enter upon and take the property condemned without first having paid whatever amount of damages and costs may have been awarded or adjudged against it by such commissioners, or deposited money to cover the same in the court wherein such condemnation proceedings are pending. But if the plaintiff in the condemnation proceedings should desire to enter upon and take possession of the property sought to be condemned pending litigation, it may do so at any time after the award of the commissioners, upon the following conditions, to-wit:

First. It shall pay to the defendant the amount of damages awarded or adjudged against it by the commissioners, or deposit the same in money in court, subject to the order of the defendant; and also pay the costs awarded against it.

Second. In addition thereto, it shall deposit in said court a further sum of money equal to the amount of the damages awarded by the commissioners, and which shall be held, together with the award itself (should it be deposited in court instead of being paid), exclusively to secure all damages that may be awarded or adjudged against the plaintiff; and it shall also execute a bond with two or more good and solvent sureties, to be approved by the judge of the court in which such condemnation proceedings are pending, conditioned for the payment of any further costs that may be adjudged against it, either in the court below or upon appeal.

Third. Should it be determined on final decision of the case that the right to condemn the property in question does not exist, the plaintiff shall surrender possession thereof (if he has taken possession pending litigation), and the court shall so adjudge and order a writ of possession for the property in favor of the defendant, and the court may also inquire what damages, if any, have been suffered by the defendant by reason of the temporary possession of the plaintiff, and order the same paid out of the

award or other money deposited; provided, that in any case where the award paid the defendant or appropriated by him exceeds the value of the property as determined by the final judgment, the court shall adjudge the excess to be returned to the plaintiff.

If the cause should be appealed from the decision of the county court, the appeal shall be governed by the same law as in other cases; except the judgment of the county court shall not be suspended thereby. The rules hereinbefore laid down for governing railroad corporations shall likewise apply to all persons and corporations having the right of eminent domain.

SEC. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 3. The fact that great enterprises are necessarily delayed and hindered in their right to enter upon and take possession of property by the present condition of our law, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is so suspended, and that this act go in force and take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and referred to the House, where it was amended and passed and reported back to the Senate; Senate concurred in House amendments, but does not show the vote by which amendments were concurred in; nor that by which it passed the House.]

Approved April 15, 1899.

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## ELEEMOSYNARY INSTITUTIONS—PROVIDING FOR FIRE ESCAPES.

S. B. No. 192.]

### CHAPTER LXXI.

An Act to provide and equip certain eleemosynary institutions of the State with an efficient and permanent system of fire escapes; authorizing the purchase of such fire escapes by the board of managers of the institutions herein named, with the approval of the Governor of the State, and making an appropriation therefor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Board of Managers of each of the following State institutions, to wit: The Southwestern Insane Asylum at San Antonio, Texas; the State Lunatic Asylum at Austin, Texas; the State Institute for Deaf and Dumb at Austin, Texas; the State Institute for the Blind at Austin, Texas; the State Institute for Colored Deaf, Dumb and Blind at Austin, Texas; the State Orphans' Home at Corsicana, Texas; the North Texas Insane Asylum at Terrell, Texas, be and the same are hereby authorized to purchase and caused to be erected at the said institutions one or more fire escapes, extending from the ground to upper stories of said buildings, and so connected with the walls and main floors as to be easy of access in case of fire.

SEC. 2. The Board of Managers of each of the aforesaid institutions shall report to the Governor of the State the number and character of fire escapes needed at the institutions under their control, and the cost of

erecting same. After all said reports have been received by the Governor of the State he shall examine same and may authorize the Board of Managers of each of the aforesaid institutions to contract for the erection of fire escapes of such number and character as in his judgment will best subserve the desired end; provided, that the choice of suitable fire escapes and the contract for furnishing and erecting the same, shall be let to the lowest and best bidder, with right to reject any and all bids, after at least thirty days notice, published in at least three daily papers of the State, sealed bids to be filed with the Governor, and opened and passed upon in his presence and that of the Board of Managers of the several institutions above named in Section 1, and the Governor shall require a solvent bond, payable to the State of Texas, from the contractor, conditioned for the faithful compliance with his contract, in such amount as to the Governor shall seem proper; and, provided further, all material and labor used in building said fire escapes under the provisions of this act shall be furnished, as far as practicable, from and by the penitentiaries of Texas.

SEC. 3. That there be and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, the sum of \$14,000.00 (fourteen thousand dollars), or so much thereof as may be necessary for the purpose of carrying this law into effect, to be expended by the Board of Managers of said institution in purchasing and erecting fire escapes under the direction and with the approval of the Governor of the State.

SEC. 4. The fact that there is now no efficient fire escapes upon said institutions or asylums, and the great danger and loss of life that might result in case of fire, and in order that some proper system of fire escapes may be adopted and constructed at once, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by vote, yeas 16, nays 8; and reported to the House, where it was amended and reported back; that the Senate concurred in House amendments, by vote, yeas 16, nays 5; but does not show the vote of House on final passage.]

Approved April 17, 1899.

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## MUTUAL INSURANCE COMPANIES—LOSS BY BURGLARY, ETC.

H. B. No. 204.]

CHAPTER LXXII.

An Act to permit any insurance company organized and doing business on the mutual plan under the laws of any State of the United States insuring against loss or damage resulting from burglary, robbery or any attempt thereat, and also insuring against the loss of money and securities in transportation when shipped by registered mail, to do business in the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any insurance company organized and incorporated on the mutual plan, under the laws of this State or any other State, for the purpose of

insuring against loss or damage resulting from burglary and robbery, or any attempt thereof, and securing against the loss of money and securities in course of transportation, when shipped by registered mail, shall be authorized, admitted and licensed to do business in this State, as hereinafter provided.

SEC. 2. Before any such company shall be authorized to transact business in this State, except to solicit and receive applications for insurance and portions of premiums thereon, as hereinafter provided, it shall have in force five hundred (500) or more policies on which the premiums shall have been paid in cash, or shall be evidenced by the written contracts of the policy holders, on which not less than one-fifth of the amount shall have been paid in cash, and the cash and contracts for premiums shall amount in the aggregate to a sum of not less than one hundred thousand (\$100,000.00) dollars. The premium contracts so held shall constitute a part of the assets of the company.

SEC. 3. And every such company, association or partnership shall also file a certified copy of its charter, articles of incorporation or deed of settlement, together with a statement under the oath of the president or vice-president and secretary of the company, for which he or they may act, stating the name of the company and place where located, a detailed statement of its assets, showing the number of policy holders, aggregate amount of premium contracts, the amount of cash on hand, in bank or in the hands of agents, the amount of real estate and how the same is encumbered by mortgage, the number of shares of stock of every kind owned by the company, the par and market value of the same, amount loaned on bond and mortgage, the amount loaned on other securities, stating the kind and amount loaned on each, and the estimated value of the whole amount of such securities, and other assets or property of the company, also stating the indebtedness of the company, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by the company as illegal and fraudulent, and all other claims existing against the company; and for a company organized under the laws of any other State, a copy of the last annual report, if any, made under any law of the State by which such company was incorporated; and no agent shall be allowed to transact business for any such company whose reinsurance reserve as required in this act is impaired to the extent of twenty per cent. thereof, while such deficiency shall continue. Nor shall it be lawful for any agent or agents to act for any company or companies referred to in this act, directly or indirectly, in taking risks or transacting the business of burglary and robbery insurance, or the insuring of the safe shipping of money and securities by registered mail in this State, without procuring from the Insurance Commissioner a certificate of authority stating that such company has complied with all the requirements of this act which apply to such companies, and as to companies organized under the laws of any other State, there shall be added the name of the attorney appointed to act for the company.

SEC. 4. Any company organized, admitted and licensed to transact business in this State under this act shall confine its line of business to that stated in the first section of this act, and shall confine its business in this State, to banks, bankers, loan companies, and county treasurers, and shall not issue any policy or policies to any person, firm or corporation in this State other than banks, bankers, loan companies and county treas-

urers. Every such company shall set aside a reinsurance reserve of fifty per cent. of its premiums, whether collected in cash or represented by obligations of the policy holders, as written in its policies.

SEC. 5. Policy holders of any company organized and admitted to transact business in this State under this act shall be held liable to pay the membership fee and premium on their insurance as paid, or contracted to be paid, at the time the policy is taken out, and shall not be held liable for any further or other assessments or claims on the part of the company or its policy holders. The membership fees and premiums agreed upon may be collected in cash at the time the policy is issued or evidenced by a written obligation of the policy holder as may be agreed upon by the company and the policy holder. Such payment or obligation shall be the limit of the liability of the policy holder to the company for premium on their insurance.

SEC. 6. It shall not be lawful for any insurance company, association or partnership incorporated by or organized under the laws of any other State of the United States for any of the purposes specified in this act, directly or indirectly, to take risks or transact any business of insurance in this State by any agent or agents in this State until it shall first appoint an attorney in this State, who shall be the Insurance Commissioner, on whom process of law can be served, and file in the office of the Insurance Commissioner a written instrument duly signed and sealed, certifying such appointment and any process issued by any court of record in this State, and served upon such attorney by the proper officer of the county in which such attorney may reside or be found, shall be deemed a sufficient service of the process upon said company, but service of process upon such company may also be made in any other manner provided by law.

SEC. 7. The statement and evidences of new membership, assets, and investments required by Section 3 of this act shall be renewed from year to year in such manner and form as may be required by said Insurance Commissioner, with an additional statement of the amount of premiums received in this State during the preceding year, so long as such agency continues, and the said Insurance Commissioner on being satisfied that the membership, assets, securities and investments remain secure, as hereinbefore mentioned, shall furnish a renewal of the certificate as aforesaid. Any violation of any of the provisions of this act shall subject the party violating the same to a penalty of not more than five hundred dollars.

SEC. 8. All companies organized, authorized, admitted and licensed under this act shall pay an annual occupation tax of fifty dollars on filing their annual statement, and a tax of two per cent. on the cash collected as premiums during the preceding year from policy holders residing in Texas, which shall be in lieu of all other taxes or fees; provided, this shall not exempt from the payment of charter or permit fees or ad valorem taxes.

Approved April 17, 1899.

Takes effect 90 days after adjournment.

HOUSTON EAST AND WEST TEXAS RAILROAD COMPANY,  
AND HOUSTON AND SHREVEPORT RAILROAD.

S. B. No. 212.]

CHAPTER LXXIII.

An Act to authorize the Houston East & West Texas Railroad Company to lease, and operate under lease, the Houston & Shreveport Railroad, extending from the State boundary line at Logansport, Louisiana, thence through the parishes of DeSoto and Caddo into the city of Shreveport in said State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Houston East & West Texas Railroad Company, a corporation created and existing under and by virtue of the laws of the State of Texas be, and it is hereby authorized and empowered to lease for the term of twenty-five years from the first day of January, 1899, the railroad of the Houston & Shreveport Railroad Company, extending from the point of connection with the northeastern terminus of the Houston East & West Texas Railway, at the boundary line between the States of Louisiana and Texas, at the Sabine river, near the town of Logansport, in DeSoto parish; thence through DeSoto and Caddo parishes to and into the city of Shreveport, in Caddo parish, Louisiana, with all its rights and appurtenances, with the right as such lessee to operate said railroad and property, and use the same as fully as it may be authorized to do by the laws of Louisiana.

SEC. 2. That nothing in this act shall be construed to authorize the Houston East & West Texas Railway Company to consolidate with the corporation now owning said Houston & Shreveport Railroad, nor with any railroad company organized under the laws of any other State, or of the United States; nor to authorize said Houston East & West Texas Railroad Company to lease or sell its railroad, nor to divert or relieve it of any of its duties, obligations or liabilities under the Constitution and laws of Texas; nor to authorize it to remove any of its offices and shops from this State, which is hereby forbidden.

SEC. 3. The near approach of the close of this session, and the fact that there is now no law authorizing the said Houston East & West Texas Railway to lease said Houston & Shreveport Railroad, and the fact that the public interest will be greatly subserved by the speedy execution of such lease, create an imperative public necessity and emergency which authorizes the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended, and said act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill does not show the vote in either House or Senate.]

Approved April 17, 1899.



## RECOGNIZANCES—SUFFICIENCY OF.

H. B. No. 459.]

## CHAPTER LXXIV.

An Act to amend Articles 308 and 309, Chapter 4, Title 5, Code of Criminal Procedure, Revised Statutes, 1895.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 308 and 309, Chapter 4, Title 5, Code of Criminal Procedure, Revised Statutes, 1895, be so amended as to hereafter read as follows:

Article 308. A recognizance shall be sufficient to bind the principal and sureties if it contain the following requisites:

1. If it be acknowledged that the defendant is indebted to the State of Texas in such sum as is fixed by the court, and the sureties are in like manner indebted in such sum as is fixed by the court.

2. If the defendant is charged with an offense that is a felony, that it state that he is charged with a felony. If the defendant is charged with a misdemeanor, that it state that he is charged with a misdemeanor.

3. That the time and place when the defendant is bound to appear be stated, and the court before which he is bound to appear.

Article 309. A bail bond shall be sufficient if it contain the following requisites:

1. That it be made payable to the State of Texas.

2. That the obligors thereto bind themselves that the defendant will appear before the proper court or magistrate to answer the accusation against him.

3. If the defendant is charged with an offense that is a felony, that it state that he is charged with a felony. If the defendant is charged with a misdemeanor, that it state that he is charged with a misdemeanor.

4. That the bond be signed by the principal and sureties, or in case all or either of them cannot write, then that they affix thereto their marks.

5. That the bond state the time and place when and where the accused binds himself to appear, and the court or magistrate before whom he is to appear. In stating the time it is sufficient to specify the term of the court, and in stating the place it is sufficient to specify the name of the court or magistrate and of the county.

Approved April 17, 1899.

Takes effect 90 days after adjournment.

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## THIRTY-SEVENTH JUDICIAL DISTRICT AND FORTY-FIFTH JUDICIAL DISTRICT.

S. B. No. 283.]

CHAPTER LXXV.

An Act to amend Section 37, of Article 22, Title 4, Revised Civil Statutes of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, relating to the Thirty-seventh Judicial District court, and the Forty-fifth Judicial District court of Texas, in Bexar county; prescribing the jurisdiction thereof; fixing the time of holding said courts; providing for the election of the judges thereof, and of the district attorney of the Thirty-seventh Judicial District; and to create the Fifty-seventh Judicial District of the State of Texas; to fix the time of holding court therein, and to prescribe the jurisdiction thereof; and to provide for the appointment of a district judge of said Fifty-seventh Judicial District; and to prescribe the time for holding the district courts of Bexar county of the Thirty-seventh Judicial District and the Forty-fifth Judicial District; and to define the jurisdiction thereof; and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 37, of Article 22, Title 4, Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Section 37. (1) That the county of Bexar shall constitute the Thirty-seventh Judicial District, the Forty-fifth Judicial District and the Fifty-seventh Judicial District, and the jurisdiction of the district courts in and for said Thirty-seventh, Forty-fifth and Fifty-seventh Judicial Districts shall be concurrent, and shall extend with the limits of Bexar county.

(2) The district court of the Thirty-seventh Judicial District shall hold five terms. One beginning on the first Monday in October, and may continue in session until the last Saturday before the first Monday in November. One term beginning on the first Monday in November, and may continue in session until the last Saturday before the first Monday in January. One term beginning on the first Monday in January, and may continue in session until the last Saturday before the first Monday in March. One term beginning on the first Monday in March, and may continue in session until the last Saturday before the first Monday in May. One term beginning on the first Monday in May, and may continue in session until the last Saturday before the first Monday in July. The district courts of the Forty-fifth Judicial District and the Fifty-seventh Judicial District shall each hold five terms. One term beginning on the first Monday in October, and may continue in session until the last Saturday before the first Monday in December. One term beginning on the first Monday in December, and may continue in session until the last Saturday before the first Monday in February. One term beginning on the first Monday in February, and may continue in session until the last Saturday before the first Monday in April. One term beginning on the first Monday in April, and may continue in session until the last Saturday before the first Monday in June. One term beginning on the first Monday in June, and may continue until the last Saturday before the first Monday in July.

(3) That all writs and process heretofore issued, or that may hereafter be issued up to the time this act shall take effect by and from said district courts, and made returnable to the terms of said courts as now

fixed by law, shall be returnable to the next ensuing terms of said courts as fixed by this act; and all such writs and process shall be valid and legal.

(4) That the judge of the district court of the Thirty-seventh Judicial District, as heretofore existing, shall be and remain the judge of the district court of the Thirty-seventh Judicial District, as provided for in this act until the expiration of his term of office, and until his successor shall have been elected and qualified. And the judge of the district court of the Forty-fifth Judicial District, as heretofore existing, shall be and remain the judge of the district court of the Forty-fifth Judicial District, as provided for in this act, until the expiration of his term of office, and until his successor shall have been elected and qualified. And hereafter the judge of each of said courts shall be elected by the qualified voters of said Bexar county.

(5) That the district attorney of the Thirty-seventh Judicial District shall be and remain the district attorney of the Thirty-seventh Judicial District as herein defined, and shall also represent the State in all cases, criminal and civil, in the Forty-fifth and Fifty-seventh Judicial Districts, and shall be elected by the qualified voters of said Thirty-seventh Judicial District.

(6) Immediately after this act takes effect the Governor shall appoint a suitable person as judge of the Fifty-seventh Judicial District, who shall hold said office until the next general election held for State and county officers, and until his successor shall be elected by the duly qualified voters of said Bexar county.

(7) The judges of said district courts may, in their discretion, transfer any suit or cause of action, civil or criminal, from one district court to another.

(8) That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

(9) The crowded condition of the dockets of said district courts of Bexar county, and the near approach of the end of the present session of the Legislature, and the great number of bills pending, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from its passage, and it is so enacted.

[NOTE.—The enrolled bill does not show the vote of either House or Senate.]

Approved April 17, 1899.

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## FIFTY-FOURTH JUDICIAL DISTRICT—TIME OF HOLDING COURT.

S. B. No. 280.]

CHAPTER LXXVI.

An Act to change and fix the times of holding courts in the Fifty-fourth Judicial District, and to amend an act passed at the Regular Session of the Twenty-sixth Legislature of Texas, being an act entitled "An Act to change the times of holding courts in the Fifty-fourth Judicial District," known as House bill 167 during its passage.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That hereafter an act, passed at the Regular Session of the Twenty-sixth

Legislature of the State of Texas, being an act entitled "An Act to change the times of holding courts in the Fifty-fourth Judicial District," and known as House Bill 167 during its passage, shall be amended so as hereafter to read as follows, to wit:

SEC. 2. The district courts of the Fifty-fourth Judicial District shall hereafter be held as follows:

In the county of Falls, commencing on the fourth Monday in January of each year, and may continue five weeks; and on the second Monday in June of each year, and may continue in session five weeks; and on the third Monday in September, and may continue in session four weeks.

In the county of McLennan, commencing on the first Monday in March and third Monday in October of each year, and may continue in session until the business is disposed of.

SEC. 3. No grand jury shall be summoned for the September terms of said court in Falls county unless ordered by the judge of said district.

SEC. 4. All laws and parts of laws in conflict with the provisions of this act are hereby repealed, and nothing in this act contained shall be construed to effect Clause 53, of Article 22, Revised Statutes, except as to the times of holding courts in said district.

SEC. 5. The crowded condition of the calendar and the near approach of the close of the session of the Legislature, and the fact that the present terms of the Fifty-fourth District Court as now arranged, interfere with the dispatch of business, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 89, nays 1.]

Approved April 17, 1899.

Became effective April 17, 1899.

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## SCHOOL DISTRICT SYSTEM—SAN AUGUSTINE COUNTY.

S. B. No. 305.]

### CHAPTER LXXVII.

An Act to transfer San Augustine county from the community to the district school system.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That San Augustine county be and the same is hereby transferred from the community school system to the district school system, and its schools shall hereafter be regulated and controlled according to the laws of this State, applicable to counties within the district system.

SEC. 2. The fact that the session is nearing a close, and that the calendar is greatly crowded, and the further fact that the schools of San Augustine county will suffer great and immediate injury unless this bill goes into effect, create an imperative public necessity that the constitutional

rule requiring bills to be read on three several days be suspended, and it is hereby so suspended, and that this bill go into effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0; but fails to give the vote by which it passed the House of Representatives.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the seventeenth day of April, A. D. 1899, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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## COURT OF CIVIL APPEALS—STENOGRAPHERS.

H. B. No. 249.]

### CHAPTER LXXVIII.

An Act to amend Article 1012, Title 27, Chapter 14, Revised Statutes of 1895, relating to the employment of stenographers by the Courts of Civil Appeals.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1012, Title 27, Chapter 14, of the Revised Civil Statutes, be so amended as to hereafter read as follows:

Article 1012. Each Court of Civil Appeals shall be authorized to appoint one stenographer, who shall also be a typewriter, who shall discharge such duties as may be required by the court, shall be sworn to keep secret all matters which may come to his knowledge as such stenographer and typewriter, and who shall receive a salary of six hundred dollars per annum, and shall give bond with two or more sureties in the sum of two thousand dollars, to be approved by the presiding judge of said court, payable to the State of Texas, conditioned for the faithful performance of his duties as such stenographer and typewriter.

SEC. 2. That whereas, an appropriation for the pay of said stenographers in connection with the general appropriation bill is required to be made at an early date; and whereas, the two former Legislatures have refused to make an appropriation sufficient to cover said salaries as now existing; and, whereas, claims covering said salaries are being pressed upon the consideration of this Legislature, and much and valuable time is being consumed in consideration of same, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and this act take effect and be in force from and after its passage, and it is accordingly so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 90, nays 6; and passed the Senate with amendments by a two-thirds vote, yeas 21, nays 5; but fails to show the vote by which the House concurred in Senate amendments.]

Approved April 17, 1899.

## FIFTY-SIXTH JUDICIAL DISTRICT—ACT CREATING.

H. B. No. 147.]

## CHAPTER LXXIX.

An Act to amend Article 22, Title 4, of the Revised Civil Statutes of Texas of 1895, by adding thereto Section 55, creating a judicial district in Galveston county, additional to the Tenth Judicial District therein; to be the Fifty-sixth Judicial District; to establish a court, and provide for a judge and clerk of such new district; to regulate the venue of the courts of said respective districts, and the disposition of the business therein, and to define the jurisdiction, the boundaries and the terms thereof, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, of 1895, be amended by adding thereto Section 55, to read as follows:

Article 22. Title IV, Section 55. The county of Galveston shall compose, in addition to the Tenth Judicial District, now existing by law and continued in force, the Fifty-sixth Judicial District as well; and the jurisdiction of the district courts in and for said Tenth and said Fifty-sixth Judicial Districts shall be concurrent and co-extensive with the limits of Galveston county.

SEC. 2. That the terms of the district court of said Tenth Judicial District and the said Fifty-sixth Judicial District shall be begun and holden as now provided by law, to-wit:

In said Galveston county on the first Monday in February, April, June, October and December of each and every year, and may continue in session until the business of the court is disposed of.

SEC. 3. The judges of each and both of said courts shall be elected at the time and in the manner provided by law by the qualified voters of Galveston county, but the judge of the district court of the Tenth Judicial District shall continue as judge thereof, holding his office as provided by law, with the tenure thereof unaffected by this act; and immediately after this act shall have become a law, the Governor shall appoint a judge of the Fifty-sixth Judicial District, having the necessary qualifications, who shall hold his office under such appointment until the next general election and until his successor shall have been elected and qualified.

SEC. 4. Immediately upon the taking effect of this act the cases upon the docket of the said Tenth Judicial District, shall be divided between that court and the court of the Fifty-sixth Judicial District, as equally as may be, by transferring every alternate case to the court of the Fifty-sixth Judicial District, leaving the first undisposed of case oldest in number in the court of the Tenth Judicial District, and thereafter, in subsequent suits or actions or proceedings, it shall be sufficient in every instance for the address or designation to be merely the "District Court of Galveston County;" and the clerk of said courts shall file and docket the even numbers thereof in the court of the Tenth Judicial District, and the odd numbers thereof in the court of Fifty-sixth Judicial District; but any case pending in either of said courts may, in the discretion of the judge thereof, be transferred from one of said district courts to the other, and so from time to time; and in case of the disqualification of the judge of either of said courts in any case, such case, on his suggestion of disquali-

fication, shall stand transferred to the other of said courts, and be docketed by the clerk accordingly.

SEC. 5. In order to expedite the dispatch of business the term of the court of the Fifty-sixth Judicial District shall begin and be holden on the first Monday of the first regular term of said court as designated by this act, after appointment and qualification of the judge thereof; at which time juries may be drawn for the ensuing regular term, non-jury cases tried by the consent of the parties, and all necessary preliminary proceedings and interlocutory orders had and made conducive to the prompt dispatch of business at the ensuing regular term.

SEC. 6. The clerk of the court of the Tenth Judicial District shall perform the duties of clerk of the court of the Fifty-sixth Judicial District; in case of vacancy in said office of said clerk the same shall be filled by appointment by the judge of the Tenth Judicial District.

SEC. 7. All writs and processes heretofore issued or that may hereafter be issued up to the time this act shall take effect, which are made returnable to the district court of the Tenth Judicial District, shall be returnable to the court in which the cause may remain or to which it may be transferred, in like manner as if originally made returnable to said court, and all such writs and processes are hereby legalized and validated.

SEC. 8. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 9. That the crowded condition of the docket of the district court of the Tenth Judicial District, whereby great delay, hardship and expense are entailed upon the citizens and taxpayers of Galveston county, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill fails to show the vote by which the foregoing act passed the House of Representatives, but shows it passed the Senate by a vote of yeas 19, nays 6.]

Approved April 17, 1899.

## WHARTON AND LAVACA COUNTIES—ROAD SYSTEM.

S. B. No. 180.]

### CHAPTER LXXX.

An Act to create a more efficient road system for Wharton county and Lavaca county, in the State of Texas, and making county commissioners of said counties ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners, defining their powers and duties as such, and providing for the appointment of road overseers and their duties, and for the working of county convicts on the public roads of such counties, and providing for the payment of officers' fees and rewards and penalties for said convicts, and to provide for the summoning of teams for road work and for an allowance for time of road service for the same; and fixing penalties for the violation of this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the members of the commissioners' court of Wharton county, and that the members of the commissioners' court of Lavaca county shall be ex-officio road commissioners of their respective districts

and in their respective counties, and under the direction of the commissioners' court of their respective counties shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by said county through its said commissioners' court, and it shall be their duty under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads and the building of bridges and the altering or changing of the existing roads. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of \$1000.00 (one thousand dollars), with two or more good and sufficient sureties thereon, payable to the county judge of his said county, for the use and benefit of the road and bridge fund of his said county, conditioned that they shall perform all the duties required of them by law or by the commissioners' court, and that they will account for all money or property belonging to the county that may come into their possession.

SEC. 2. The commissioners' court of said counties shall have full power and authority, and it shall be its duty to adopt such system for working, laying out and draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system for working the same. The commissioners' court of said counties shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads; said court shall have the power to construct, grade, drain or otherwise improve any road or bridge by contract, in such case said court, if they deem it necessary, or the county judge of said county, may advertise in such manner as the court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder who shall enter into bond payable to the county judge of said county for the use of the road and bridge fund, with good and sufficient surety, to be approved by said court and in such sum as the court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids; the said court shall have the authority to employ any hands or teams to work on the road, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners' court of said counties shall require all county convicts, not otherwise employed, to labor upon the public roads of such county, under such regulations as they may prescribe for the working of county convicts within the limits of said county, and each convict so worked shall receive a credit of fifty cents on his fine and cost for each day he may so labor. Such commissioners' court may provide such reasonable regulations and punishment as may be necessary to require such convicts to labor; but no convict shall be worked on Sunday; the commissioners' court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior, in no case to exceed one-fifth of the whole time. Said court may provide the necessary houses, provisions, clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts. The commissioners' court may, at any regular term, allow to the officers and witnesses in a convict case where the convict has worked upon the road, such portion of their lawful costs as it may determine, not to exceed in any case the following:

County judge, \$2.50; county attorney, \$5.00, including commissions;



county clerk and justice of the peace, \$3.00; sheriff and constable, \$4.00; witnesses twenty-five per cent. of their legal fees; which allowances shall be paid out of the road and bridge fund, on the warrant of the county judge, when the said fine and costs shall have been worked out by the convict as provided in this act; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control of all road overseers in his district and shall deliver to each of them all tools and machinery necessary in working the roads in the precinct of the said road overseer, so far as he has been supplied therewith by the commissioners' court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners' court; it shall be the duty of the road overseer, when he has finished work on his road, to return to said commissioner all tools and machinery received from him and take up the receipt therefor given by him.

SEC. 5. It shall be the duty of the county commissioner, when acting as road commissioner, to inform himself of the condition of the public roads in his district, and shall determine what character of work shall be done upon said road, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all overseers of his said district.

SEC. 6. The commissioners, when acting as road commissioner in their respective districts, may require of each road overseer in his said district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year or two days with himself and team, unless the term of service as prescribed by the General Laws shall not be extended beyond that time; and provided, that all road hands in any particular district shall, as far as it is practicable, be worked a uniform time. Each road overseer, or in case of his absence any person deputized by him, shall have full control of all road hands within his precinct, and shall see that each hand when called out shall perform a fair day's work; and if any hand when so called out shall fail or refuse to perform a fair day's work, or to work in the manner the road overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 7. Any citizen of Wharton county or of Lavaca county liable for road duty who shall, on or before the first day of February of each year, pay to the county treasurer of his said county the sum of three dollars shall be exempt from all road duty of such year, beginning on the first day of February. The county treasurer shall receive and receipt for all money so paid him, and shall place the same to the credit of the road and bridge fund; the county treasurer shall, on the tenth day of February, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sums as pro-

vided in this section, and each of said persons shall not be liable under any summons for work on the public roads for the ensuing year.

SEC. 8. The commissioners' court of the said county shall, as far as practicable, expend the money upon the roads and bridges and improvements in the public roads and bridges for the benefit of the sections of the county in proportion to the amounts paid in from the different sections of said county, and all sums of money in the road and bridge fund of the county shall, as far as practicable, be so expended.

SEC. 9. Every person liable to work on roads under the General Laws of the State, by paying his road overseer, or the road commissioner, at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work, and \$1.50 for each day that he is summoned to work his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also be exempt from any penalties for failure to work or furnish such teams for the time for which he has so paid.

SEC. 10. Each person summoned to work on a road shall take with him an axe, hoe, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tools as are desired by the overseer, to take with him, he shall take such other suitable tools as he may have; provided, the county shall be liable for, and the commissioners' court, under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work and not caused by the negligence of the person furnishing the same. Such overseer may also summons and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days time for each day put in by a hand with his team, and one and one-half days time for his team without such hand; and provided further, that any road hand so summoned to furnish a team shall be entitled to decline or refuse to do so in case his team or teams so summoned to be put on said road work are not in condition to perform the labor required.

SEC. 11. If any person liable to work on the public roads, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, the said team being in the proper condition therefor, or to pay to such overseer or the road commissioner the sum of \$1.00 for each day he may have been notified to work on the road, or to pay such overseer or the road commissioner the sum of \$1.50 for each day he may have been notified to furnish his team for road work, his said team being in condition therefor, or having attended shall fail to perform such fair service or any other duty required of him by law or the person under whom he may work, shall be deemed guilty of a misdemeanor and on conviction thereof may be fined in any sum not exceeding \$10.00.

SEC. 12. It shall be lawful for any delinquent poll tax-payer in Wharton county and in Lavaca county to perform two days service upon the public roads in his road precinct in each and every year in discharge of his said delinquent poll tax, unless the rate of poll tax now provided for by the General Laws of the State of Texas shall be changed, in which case a proportionate time of service shall be held to discharge said delin-

quent for one year's poll taxes; and provided further, that this act shall not be held to annul any laws for the collection of delinquent taxes, but shall be held as cumulative thereto in Wharton and Lavaca counties, and the receipt from the overseer or the road commissioner for the said two days service shall be held as a complete proof of the payment of said delinquent tax; provided, that such delinquent tax-payer shall perform such road service under the direction of the road overseer or the road commissioner, under the same regulations herein provided for parties subject to road service under the General Laws of the State.

SEC. 13. At the regular term in February of the commissioners' court, each year, all road overseers of Wharton and Lavaca counties shall make their reports to the commissioners' court of their respective county, upon forms to be furnished them by the commissioners' court; said report shall state the condition of their roads, number of hands, and the name of each hand subject to road work, and the number of days that each hand has worked, the number of hands who had made the payment provided for in Section 7 of this act in lieu of labor, the amount of all money collected and expended, and if there is a balance on hand it shall be turned over to his successor in office to be paid out for work on said road; said report shall be sworn to before some officer authorized to administer oaths; said reports shall be examined by the commissioners' court and if they be found correct shall be approved by said court, and as soon thereafter as practicable the said commissioners' court shall appoint and commission road overseers for the succeeding year. And in case of the death, refusal or inability to act on the part of any road overseer so appointed, the county commissioner of the precinct shall have authority to fill the vacancy, and report his action in writing to the county clerk who shall record the same in the minutes of the commissioners court, either in term time or vacation. Any overseer intentionally failing to perform his duty as such overseer or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or failing to comply with the law in any way concerning his duty as overseer, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than \$25.00.

SEC. 14. Whenever it shall be necessary to occupy any land for opening, widening, straightening or draining any road or part thereof, if the owner of such land and the commissioners' court cannot agree upon the damages to be paid, the county may proceed to condemn the same in the same manner that a railroad company, under the laws now existing or hereafter passed, may condemn land for right of way, and the same proceedings may be had and the same rights shall exist to such party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the general law relating to the opening of public roads by juries of view; this section shall be held to be cumulative thereof, and the commissioners' court of Wharton and Lavaca counties may act under such general law or the provisions of this section at their option in such case.

SEC. 15. It shall be the duty of the overseer to keep all hedges on or near the public road trimmed so that the same shall not obstruct said road. The owner of any such hedge who shall refuse to have same trim-

med, the overseer, upon an order from the county commissioner of his precinct, shall cause the same to be trimmed so as not to obstruct the road, in accordance with the provisions of this act.

SEC. 16. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners' court, shall be entitled to \$2.00 per day for the services actually and necessarily performed; provided, that he shall not draw such pay for more than sixty days per quarter; and provided further, that the sum to be paid him as road commissioner shall not exceed \$125 per annum, which amount shall be paid out of the road and bridge fund, when the same shall have been approved by the commissioners' court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the said account is just, due and unpaid, and specifying the number of days of actual service performed by him as road commissioner, and that the same was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner or while going to or returning from the commissioners' court of said county, nor shall he receive any additional pay than that provided for by this section for inspecting the roads in his district or for other road service.

SEC. 17. This act shall be taken notice of by all courts in the same manner as a general law of the State, and it shall be construed to be cumulative of all the general laws of the State on the subject of roads and bridges and not in conflict therewith, but in case of such conflict this act shall control as to the county of Wharton and the county of Lavaca; the term "roads" includes the road beds, ditches and drains, the bridges and culverts and every part of such road. The term "work" and "working" as used herein shall include the opening and laying out of new roads, widening roads, altering or changing roads, constructing and building, repairing and draining of such roads and everything that may be done in and about the building and maintainance of such roads.

SEC. 18. The fact that there is now no sufficient road law in force in this State, and the fact that the public travel is in need of good roads, and the fact that a more efficient road law is greatly needed in the aforesaid counties, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 25, nays 0; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the seventeenth day of April, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

## PERMANENT SCHOOL FUND—SETTING APART RECOVERED LANDS FOR.

S. B. No. 20.]

## CHAPTER LXXXI.

An Act to set apart and appropriate to the permanent school fund of the State of Texas all of the lands heretofore or hereafter recovered from railway companies or other persons, firms or corporations; and to provide for the disposition of the same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all of the lands heretofore or hereafter recovered from railway companies, firms, persons or other corporations, by the State of Texas, by suit or otherwise, shall at once become a part of the permanent school fund of the State, and shall be disposed of as other school lands, except as herein provided. If it should hereafter develop that the State is indebted to the general school fund, for land appropriated or sold by it, this is construed as a transfer in part payment thereof.

SEC. 2. In all cases where said land or any portion thereof has been surveyed into tracts of six hundred and forty acres, more or less, and field notes thereof returned to and filed in the General Land Office, the same is hereby declared a sufficient designation of said land, and the Commissioner of the General Land Office shall dispose of the same by the survey and block numbers contained in said field notes.

SEC. 3. Where any of such lands, at the time of such recovery, were leased by any one from the person, firm or corporation from whom the State recovered such land, such lessee shall have a preference right to lease from the State such portion of said land for a period of thirty days from and after the taking effect of this act, upon his filing with the Commissioner of the General Land Office evidence that at the time said land was recovered by the State he had under lease from the person, firm or corporation from whom said land was recovered, such portion of said land as he desires to lease, and upon the filing of such evidence with the Commissioner of the General Land Office, such applicant shall have the preference to lease such land, over all other applicants; and where any of such lands, at the time of such recovery, were owned by any one by purchase from such person, firm or corporation, such owner shall have a preference right for a period of ninety days from and after the taking effect of this act, to purchase from the State such portion of said land, or so much thereof as he may be entitled to purchase under the law, and on the terms authorized by law, upon his furnishing satisfactory evidence to the Commissioner of the General Land Office of his said ownership. But in all other respects the lease and sale of such lands shall be governed by the general laws governing the disposition of said lands; provided, that the preference right to lease, given herein, shall not apply to any lands obtained through any suits brought upon any official bond of State, district or other officers; provided further, that this act shall not apply to lands acquired by the State under the law relating to the collection of taxes.

SEC. 3a. Where any person or persons, not a corporation, have bought lands from the person, firm or corporation who originally located such land, and paid full value therefor, without actual knowledge of any defect

in the title to said land, prior to the time of the institution of proceedings on the part of the State to recover such land, and not having been made a party to the suit, such land is now here declared not to be embraced within any of the preceding provisions of this act, that the same shall hereafter be disposed of by the Legislature; said land shall not be subject to location, lease or sale, unless hereafter so provided by the Legislature. Said persons, or their assigns, claiming such land, shall have ninety days, and no more, from and after the taking effect of this act, to file with the Commissioner of the General Land Office proof of such purpose and payment of full value of said land; and that at the time of such purchase, such purchaser was an innocent purchaser for full value and without notice, and was not a party to such proceeding; provided, that nothing herein contained shall be construed as validating said titles on the lands referred to in this act.

SEC. 3b. All preemption locations on any of the lands mentioned in this act, which were settled upon and surveyed as required by law prior to May 20th, 1898, and which have been continuously so occupied as a home, shall not be disposed of under this act, nor shall same be sold or leased by the Commissioner of the General Land Office under any law now in force, but shall remain for future legislative action; provided, that all such claimants shall, within ninety days after the taking effect of this act, and not thereafter, file their applications and field notes in the General Land Office, together with their proof of continued occupancy; provided, those who have attempted in good faith to acquire any such lands under the homestead donation act shall have a preference right of six months, regardless of the provisions of this section, to purchase such lands at one dollar per acre.

SEC. 4. The fact that the State has recovered three million acres of land from railway companies and other persons, and that there is now no law authorizing the disposition of the same and that the State is now losing the rent of said lands, thus causing great loss to the school fund of the State, creates an emergency and imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and was reported to the House where it was amended and passed by a two-thirds vote, yeas 93, nays 7, and reported back to the Senate; Senate refused to concur in House amendments and asked for a Free Conference Committee; the report of the Free Conference Committee was adopted by both Senate and House, vote not given in either.]

Approved April 18, 1899.

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## NACOGDOCHES COUNTY—ROAD SYSTEM.

H. B. No. 621.]

## CHAPTER LXXXII.

An Act to create a more efficient road system for Nacogdoches county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers and defining their duties, and for working of county convicts upon the roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm, as well as upon the public roads, or partly upon both, in the discretion of the commissioners' court, and making provision of act applicable, as far as practicable, to convicts when worked on county farms, and to provide for the summoning of teams for road work, and for an allowance of time for the service of same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act as to Nacogdoches county, and to authorize the commissioners' court of Nacogdoches county to create the office of superintendent of public roads and bridges for Nacogdoches county, and defining his duties, and providing for compensation of said superintendent, and prescribing bond to be given by said officer; providing that delinquent poll taxpayers shall be subject to three days road duty; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timber, gravel, earth, stone or other necessary material for the improvement of roads, and giving persons summoned to work on roads the right to be relieved from the discharge of such duty on the payment of specific sums of money herein stipulated.

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners' court of Nacogdoches county shall be ex-officio road commissioners of their respective districts, and, under the direction of the commissioners' court, shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by said county, and it shall be their duty, under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads and the making or changing of roads and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that he will perform all of the duties required of him by law or by the commissioners' court, and that he will account for all money or property belonging to the county that may come into his possession; provided, that with the consent of the commissioners' court, any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section, and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation when a deputy road commissioner has been appointed.

**SEC. 2.** The commissioners' court of said county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or

system of working. Said commissioners' court shall have full power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have full power to construct, grade or otherwise improve any road or bridge by contract. In such case said court or county judge of said county may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. At the time of making such contract, the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds; same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best, not to exceed two dollars per day, of ten hours per day, for a team and driver, and not to exceed one dollar per day for day hands; and no road hand, when working out his time on the road, shall be required to work but eight hours per day; but when hands are hired by the day they shall be required to work ten hours per day.

SEC. 3. The commissioners' court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first and then on the cost, for each day he may labor. The commissioners' court may provide such reasonable regulations or punishment as may be necessary to require such convicts to perform good work, and may provide a reward, not to exceed ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape. The commissioners' court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful service and good behavior, in no case to exceed one-tenth of the time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine and medical attention and guards for the safe and humane keeping of the convicts. The commissioners' court may, at a regular meeting, allow to the officers such amount of their costs for the arrest and conviction of said convicts as is now provided by law; provided, that said court shall not allow any officer or officers more than one-half of the costs due them and adjudged against such convict. The aforesaid amount shall be paid out of the road and bridge fund upon the order of said court, when said fine and costs have been worked out as provided in this section; provided, that this act shall not be construed so as to relieve any convict from payment of all costs for which he would be liable under the general laws of this State. Nothing in this section shall be construed so as to deprive the commissioners' court of the right to have convicts to work a part or all of the time on the county convict farm, but authority is herein expressly given said court to require convicts to labor in payment of fines and costs, either upon the county convict farm or upon the public roads, or partly



upon both, as to said court it may seem best, and the provisions of this section shall apply, as far as practicable, in all cases where convicts labor upon the county convict farm.

SEC. 4. Each county commissioner shall have charge of all road overseers in his district, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said overseer so far as he has been supplied therewith by the commissioners' court, taking receipt of his overseer therefor, specifying each item and giving its value, which receipt shall be full answer for the liability of the commissioner, and shall fix the liability of the overseer; and any commissioner or overseer who shall have been entrusted with any team, tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession caused by negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners' court. It shall be the duty of the road overseer, when he has finished work on his road, to return to said commissioners all teams, tools and machinery received from them by him and take up the receipt given therefor.

SEC. 5. It shall be the duty of the commissioners when acting as road commissioners to inform themselves of the condition of the public roads in their districts, and they shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all overseers of their districts.

SEC. 6. The commissioner may require each overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year or two and one-half days with himself and team, unless the term of service as prescribed by the General Laws shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence, any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand when called out shall perform a good day's work, and if any hand when so called out shall fail or refuse to do a good day's work, or to work in the manner the overseer may direct, shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners' court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days during one year a compensation not to exceed one dollar per day for each day served over five days during any one year.

SEC. 7. Any citizen of Nacogdoches county who is subject to road duty who shall, on or before the first day of February of any year, pay the county treasurer of said county the sum of two dollars and fifty cents, or who shall pay the overseer of his respective district the sum of two dollars and seventy-five cents on or before the first day of February of any year, shall be exempt from road duty for such year, beginning on the first day of February. Overseers shall receive and receipt for all moneys so paid them, and shall immediately, or within ten days after the receipt of the same, pay all amounts so received over to the county treasurer, taking a receipt therefor, and shall furnish the county treasurer a statement under oath, showing the amount so collected and by whom paid.

Any overseer who shall fail or neglect to comply with the provisions of this section, as herein set forth, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than two hundred dollars, or imprisonment in the county jail not less than thirty nor more than sixty days, or by both fine and imprisonment. The treasurer shall receive and receipt for all monies so paid him, and place the same to the credit of the road and bridge fund. The treasurer shall, on the third day of February of each year, or as soon thereafter as practicable, furnish the commissioners' court with a list of all persons who have paid said sums, as provided in this section, and said court shall immediately have overseers in districts wherein said sums have been paid notified of the payment of the amount of the same, and by whom paid.

SEC. 8. Every person liable to work on the public roads in Nacogdoches county who shall pay the road overseer at any time before the day appointed to work on his road the sum of one dollar for each day that he is summoned to work, shall be exempt from work for each day paid for.

SEC. 9. Each person summoned to work on the road shall take with him an axe, hoe, pick, spade, shovel, plow, scraper or such other tools as may be desired and directed by the overseer, or if he has no such tools as are desired and directed by the overseer to take with him, he shall take such other suitable tools as he may have; provided, the county shall be liable for, and the commissioners' court, under such regulations as they may prescribe, shall pay for all such breakage or damage to tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer shall also summon and require such road hand to bring with him for road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two day's time for each day put in by hand and his team, and one day's time for his team without such hand; provided, it shall be unlawful for any road overseer, superintendent of public roads and highways or county commissioner, when acting in the capacity of ex-officio road commissioner, to work or use any team or teams of which he is the owner upon the public county roads at an expense to the county, and the commissioners' court shall not allow any compensation for such services so rendered.

SEC. 10. If any person liable to work on the public roads, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by an able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to the overseer such sum as one dollar per day for each day summoned to work, he shall be deemed guilty of a misdemeanor, and upon conviction thereof he shall be fined in any sum not to exceed ten dollars.

SEC. 11. At the first regular term of the commissioners' court of each year all road overseers shall make their report, under oath, upon the forms to be furnished them by said court, and all accounts for services or labor performed for overwork by such overseers during the past year, and of moneys had and expended by him, shall be audited and settled. As soon thereafter as practicable said commissioners' court shall appoint and commission road overseers for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to serve and perform the duties of overseer when appointed by said court

or to perform any other duty required of him by law or by the commissioners' court, or by the commissioner of his district or county superintendent of public roads and highways, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, changing or draining of any road or any part thereof, if the owner of said land cannot agree with the court as to the damages to be paid the court may proceed to condemn the same in accordance with the provisions of the general statutes or laws of Texas, and the county shall in no case be required to give bond.

SEC. 13. When to the overseer it may appear expedient to make causeways and build bridges or to gravel any public road, the timber, gravel, earth, stone or any other necessary material most convenient therefor may be used, but in such case the owner of such timber or gravel, earth, stone or other necessary material shall be paid out of the county treasury a fair compensation for same, to be determined by the commissioners' court upon the application of such owner.

SEC. 14. Each county commissioner, when acting as road commissioner, shall be entitled to two dollars per day for services actually performed; provided, that he shall not receive more than twenty dollars per quarter; said per diem shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners' court, and the court shall not approve said account unless the commissioner presenting it shall make oath that the account is just, due and unpaid; and said account shall specify the number of days work actually performed by him, and that it was necessary to be done under the circumstances, and no commissioner shall be entitled to pay as road commissioner, either for himself or his deputy, while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting over his road, or for other road services.

SEC. 15. In all cases where the cost of material and labor exceeds two hundred dollars, it shall be the duty of said court to construct, grade or gravel or otherwise improve any road or bridge by contract, the same to be advertised for as provided by said commissioners' court.

SEC. 16. The office of county superintendent of public roads and bridges is hereby created, and the commissioners' court of Nacogdoches county shall, at its first regular term after this law shall have taken effect, appoint a county superintendent of public roads and bridges, who shall hold his office until removed by said court, in which case there shall be another appointed to fill such vacancy. Such county superintendent of roads and bridges shall be a person of good moral character and executive ability, and shall be a freeholder in the county of Nacogdoches. Such superintendent shall have charge of, shall direct the labor of county convicts when doing road duty, and all other road hands placed under him; and may, through the direction of the commissioners' court, employ other hands to labor on the public roads; provided, that such hand or hands shall not cost at the rate of more than fifteen dollars per month. The commissioners' court shall supply said superintendent with such teams, tools and machinery as in its judgment is necessary to prosecute the work

with best interest to the county, either by purchase, lease, hire or rent. Such superintendent shall perform the duties of his office from time to time under such regulations as in the judgment of the commissioners' court may seem best; and said superintendent shall at all times be subject to the direction or immediate control of the commissioners' court. Such county superintendent of public roads and bridges, before entering upon the discharge of his duties, shall take the oath of office required by law, and shall enter into bond in the sum of one thousand dollars, with good and sufficient sureties, to be approved by the commissioners' court, and to be filed with the county clerk of Nacogdoches county, and said bond shall be made payable to the county judge of Nacogdoches county and his successors in office in trust for the road and bridge fund of Nacogdoches county, and be conditioned for the faithful performance of the duties of his office. In case said bond is forfeited and collected the sum so collected shall become a part of the road and bridge fund of Nacogdoches county. Such superintendent while actually engaged in the discharge of the duties of his office shall receive from the road and bridge fund of Nacogdoches county, as compensation for his services, a salary not exceeding two dollars per day.

SEC. 17. The county superintendent or the overseers of the various precincts or districts, as the case may be, shall obtain from the tax collector of Nacogdoches county as soon after the first day of January of each year as practicable, and before the first day of May thereafter, a full list of the delinquent poll tax-payers of such county for the previous year, and the persons so appearing on said list and who are such delinquent poll tax-payers, shall be subject to road duty for the period of three days during such year, and they shall be summoned as in other cases to work the roads in the road district or precinct in which such person may reside; and the performance of the road service provided for in this section shall not exonerate the persons from any other road duty to which the persons performing same may be subject, but this shall be taken as cumulative. The persons required to do road duty under the provisions of this section shall be subject to prosecution, as provided in Section 10 of this act or other law of this State, and subject to the same liabilities and punishments provided for in other cases for failing to appear and do good work when summoned to do so, as provided for in this act or other laws of this State, and all such laws shall apply to parties required to work roads under the provisions of this section. And when they are convicted for failing to work the road they shall satisfy the fine and cost as in other misdemeanor convictions. But any person summoned to work on the road under the provisions of this section may satisfy such summons and be relieved from such duty by paying the amount of poll tax required by law to be apportioned as the law directs.

SEC. 18. This act shall be taken notice of by all courts in the same manner as the General Laws of this State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to the county of Nacogdoches, and all local and special laws in conflict herewith are hereby repealed.

SEC. 19. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several

days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 0; and passed the Senate by a two-thirds vote, yeas 27, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the nineteenth day of April, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect May 2, 1899.

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### WOOD COUNTY—ROAD SYSTEM.

H. B. No. 568.]

#### CHAPTER LXXXIII.

An Act to create a more efficient road system for Wood county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the roads of said county and upon the county farm, and to provide for the summoning of teams for road work, and for an allowance of time for road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict with this act as to Wood county.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners' court of Wood county shall be ex-officio road commissioners of their respective districts, and, under direction of the commissioners' court, shall have charge of all teams, tools and machinery belonging to the county and placed in their hands by said county, and it shall be their duty, under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, the making or changing of roads and the building of bridges.

Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond for one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that he will perform all of the duties required of him by law or by the commissioners' court, and that he will account for all moneys or property belonging to the county that may come into his possession.

SEC. 2. The commissioners' court of said county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining and repairing the public roads of said county as it may deem best, and from time to time said court may change its plan or system of working.

Said commissioners' court shall have full power to purchase or hire such teams, tools and machinery as may be necessary for the working of its roads.

Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract.

In such case said court or county judge of said county may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids.

At the time of making such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds and the same shall not be used for any other purpose, and can only be paid out on the order of said court, and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners' court of said county may require all county convicts to labor on the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents, on his fine first, and then on the cost, for each day he may labor.

The commissioners' court may provide such reasonable regulations and punishment as may be necessary to require such convicts to perform good work; and may provide a reward, not to exceed ten dollars, to be paid [out] out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape.

The commissioners' court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior, in no case to exceed one-fourth of the time.

Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine and medical attention and guards for the safe and humane keeping of convicts; provided, this shall not interfere with the working of convicts on the county farm.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them, so far as he has been supplied by the commissioners' court, all teams, tools and machinery necessary in working the roads in the district of said overseer, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession, caused by negligence or want of due care of same, and shall not use or permit the same to be used for private purposes.

It shall be the duty of the road overseer, when he has finished work on his road, to return to said commissioner all teams, tools and machinery received from him and take up the receipt given therefor.

SEC. 5. It shall be the duty of the commissioners, when acting as road commissioners, to inform themselves of the public condition of the public

roads in their districts, and they shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining, or otherwise improving the same, which direction shall be observed and obeyed by all overseers in their districts.

SEC. 6. The commissioners' court may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service as prescribed by the general law shall be extended beyond that time; provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time.

Each road overseer, or in case of his absence any person deputed by him, shall have full control of all road hands within his road district, and shall see that each hand when called out shall perform a good day's work of not less than eight hours, and if any hand when so called out shall fail or refuse to do a good day's work of not less than eight hours, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

The commissioners' court may allow any overseer, who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and fifty cents per day for the time so served.

SEC. 7. Every person liable to work on the public roads in Wood county who shall pay to his road overseer at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work, shall be exempt from work for each day paid for.

SEC. 8. Each person summoned to work on the road shall take with him an axe, hoe, pick, shovel, spade, plow, scraper or such other tool as may be desired and directed by the overseer, or if he has no such tools as are desired or directed by the overseer, to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for and the commissioners' court, under such regulations as they may prescribe, shall pay for all such breakage or damage to tools as may have resulted from public road work and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days' time put in by hand and his team, and one and one-half days' time for such team without such hand.

SEC. 9. If any person liable to work the public road, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by an able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to the overseer such sum as one dollar per day for each day summoned to work, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not to exceed ten dollars.

SEC. 10. At the first regular term of the commissioners' court of each year all road overseers shall make their report under oath, upon the forms to be furnished them by said court, which said report shall be examined by said court, and all accounts for services or labor performed for overwork by such overseer during the past year, and of moneys had and expended by him shall be audited and settled; and as soon thereafter as

practicable said commissioners' court shall appoint and commission road overseers for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the commissioners' court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 11. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, changing or draining any road or any part thereof, if the owner of said land cannot agree with the court as to the damages to be paid, the court may proceed to condemn the same in the same manner that a railroad company can condemn land for a right of way, and the same proceedings may be had, and the same rights shall exist to each party that would exist as if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 12. Each county commissioner, when acting as road commissioner, shall be entitled to two dollars per day of eight hours actual service performed; provided, that he shall not receive more than fifty dollars per quarter; said per diem to be paid out of the road and bridge fund, when the account shall have been approved by the commissioners' court, and the court shall not approve said account unless the commissioner presenting it shall make oath that the account is just, due and unpaid, and said account shall specify the number of days work actually performed by him, and the number of hours each day, and that the same was necessary to be done under the circumstances, and no commissioner shall be entitled to pay as road commissioner while performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his roads.

SEC. 13. In all cases where the cost of material and labor exceed one hundred dollars, it shall be the duty of said court to construct, grade or otherwise improve any road or bridge by contract, the same to be advertised for as provided by said commissioners' court.

SEC. 14. This act shall be taken notice of by all courts in the same manner as the General Law of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to Wood county.

SEC. 15. The fact that there is now no sufficient general road law in force in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 0; and passed the Senate by a two-thirds vote, yeas 26, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the nineteenth day of April, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his



objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect May 2, 1899.

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### THIRTY-SIXTH JUDICIAL DISTRICT—TIME OF HOLDING COURT.

#### S. S. B. No. 133.] CHAPTER LXXXIV.

An Act to prescribe the time of holding the terms of the district court in the Thirty-sixth Judicial District of the State of Texas, and to repeal all laws or parts of laws in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the terms of the district court of the Thirty-sixth Judicial District, comprising the counties of Aransas, San Patricio, Live Oak, McMullen, Atascosa, Frio, LaSalle, Zavala and Dimmit, shall, after the first day of August, A. D. 1899, be held as follows:

In the county of Zavala, on the third Monday in August and first Monday in February, and may continue in session two weeks.

In the county of Dimmit, on the second Monday after the third Monday in August and second Monday after the first Monday in February, and may continue in session one week.

In the county of LaSalle, on the third Monday after the third Monday in August and third Monday after the first Monday in February, and may continue in session two weeks.

In the county of McMullen, on the fifth Monday after the third Monday in August and the fifth Monday after the first Monday in February, and may continue in session one week.

In the county of Atascosa, on the sixth Monday after the third Monday in August and sixth Monday after the first Monday in February, and may continue in session three weeks.

In the county of Live Oak, on the ninth Monday after the third Monday in August and ninth Monday after the first Monday in February, and may continue in session two weeks.

In the county of Aransas on the eleventh Monday after the third Monday in August and eleventh Monday after the first Monday in February, and may continue in session two weeks.

In the county of San Patricio, on the thirteenth Monday after the third Monday in August and the thirteenth Monday after the first Monday in February, and may continue in session two weeks.

In the county of Frio on the fifteenth Monday after the third Monday in August and the fifteenth Monday after the first Monday in February, and may continue in session until the business is disposed of.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved April 19, 1899.

Takes effect 90 days after adjournment.

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FORTY-FIRST JUDICIAL DISTRICT—REORGANIZATION AND  
TIME OF HOLDING COURT.

S. B. No. 248.]

CHAPTER LXXXV.

An Act to reorganize the Forty-first Judicial District of Texas; to prescribe the time of holding the district court therein; to make the terms of the Thirty-fourth Judicial District, in El Paso county, to conform thereto; to provide for a district attorney for the Forty-first Judicial District in said El Paso county, and to provide for a clerk of the district court of the Forty-first Judicial District in said El Paso county, and empowering the district court of the Thirty-fourth Judicial District to empanel the grand jury for said county, and giving authority to the judges of either of said two courts in said El Paso county to transfer causes from their respective courts to the other of said courts; and to repeal all laws and parts of laws in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The Forty-first Judicial District of the State of Texas shall be composed of the counties of Jeff Davis, Brewster, Pecos, Val Verde, Kinney, Maverick, Edwards and El Paso, and the terms of the district courts shall be held in said counties as follows:

Beginning in the county of Jeff Davis on the first Mondays of March and September, and continuing in session one week.

In the county of Brewster, on the first Mondays after the first Mondays in March and September, and continue in session two weeks.

In the county of Pecos, on the third Mondays after the first Mondays in March and September, and continue in session two weeks.

In the county of Val Verde, on the fifth Mondays after the first Mondays in March and September, and continue in session two weeks.

In the county of Kinney on the seventh Mondays after the first Mondays in March and September, and continue in session two weeks.

In the county of Edwards, on the ninth Mondays after the first Mondays in March and September, and continue in session two weeks.

In the county of Maverick, on the eleventh Mondays after the first Mondays in March and September, and continue in session two weeks.

In the county of El Paso, on the thirteenth Mondays after the first Mondays in March and September, and continue in session until the last Saturdays in February and June, unless the business in said court in said county be sooner disposed of.

The district courts of the Thirty-fourth and Forty-first Judicial Districts aforesaid in El Paso county shall have concurrent jurisdiction with each other through the limits of said county of El Paso of all matters, civil or criminal, of which jurisdiction is given by the district courts by the Constitution and laws of the State; provided, that the judge of the Forty-first Judicial District shall never empanel a grand jury in said courts, but may at any time reconvene the grand jury, empaneled by the judge of the Thirty-fourth Judicial District when, in his judgment, a necessity therefor exists; provided further, that the district attorney of the Thirty-fourth Judicial District shall do and perform all the duties pertaining to said office of district attorney for both of said district courts in and for said El Paso county.

The clerk of the district court of El Paso county, as heretofore constituted, and his successors in office, shall be the clerk of both said district

courts in said El Paso county, and shall perform all duties pertaining to the office of both district courts.

Either of the judges in said district courts in said El Paso county may, in their discretion, either in term time or vacation, transfer any cause or causes, civil or criminal, that may at any time be pending in his court to the other district court in said El Paso county, by order or orders entered upon the minutes of said court. And when such transfer or transfers are made, the clerk of said courts shall enter such cause or causes upon the docket of the court to which such transfer or transfers are made, and when so entered upon the docket the judge of said court shall try and dispose of said cause in the same manner as if said cause was originally filed in said court.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That all process, writs and bonds, issued or executed prior to the taking effect of this act and returnable to the terms of said court, as now fixed by law, in the several counties composing said district, are hereby made returnable to the terms of said courts as fixed in this act; and all process heretofore returned, as well as all bonds and recognizances heretofore entered into in any of said courts, shall be as valid as if no change had been made in the time of holding said courts.

SEC. 4. The near approach of the close of this session of the Legislature and the crowded condition of the calendars, and the great necessity for the passage of this law in order that the crowded condition of the dockets of said courts in El Paso county may be relieved, creates an emergency, and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days in each branch of the Legislature, and a great public necessity exists and the emergency requires that this bill take effect from and after its passage; said rule is therefore suspended, and this act shall be in force and effect from and after the passage thereof, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate and was reported to the House, where it was amended and passed, and reported back to the Senate. Senate concurred in House amendments. The vote is not given in either instance.]

Approved April 19, 1899.

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## STATE PURCHASING AGENT FOR ELEEMOSYNARY INSTITUTIONS.

S. B. No. 172.]

## CHAPTER LXXXVI.

An Act to create the office of State Purchasing Agent for the various eleemosynary institutions of the State of Texas; to define his duties, term of office, mode of qualification and compensation; to abolish the office or position of steward, quartermaster or other similar position in said institutions; to require all supplies to be purchased by said agent under competitive bids or contracts; to provide for the appointment of storekeepers or accountants in said institutions, and to define the duties thereof; to make an appropriation for the salary of said purchasing agent; to provide for the appointment of two clerks for said purchasing agent, and to make appropriation for their salaries; and to define offenses committed under the operation of this act, and to provide penalties therefor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That there be and is hereby created the office of State Purchasing Agent, who shall be appointed by the Governor, by and with the advice and consent of the Senate, every two years, and who shall hold his office for the term of two years from the date of his qualification, and until his successor is appointed and qualified. Said Purchasing Agent shall receive an annual salary of two thousand dollars (\$2000), which shall not be increased or diminished during his term of office, and he shall not receive, directly or indirectly, any extra compensation in the way of commissions or otherwise. Said agent shall not be interested in, or in any manner connected with, any contract or bid for furnishing supplies or articles of any kind to any of said institutions, or to any other department or institution of the State, or with any person, firm or corporation who is interested in or in any manner connected with any kind of contract with the State or any of its institutions and departments, nor shall he collect or be paid his salary or any part thereof while he is in any manner or degree indebted to the State, or in arrears in his accounts and reports as such agent. Neither shall said agent accept or receive from any person, firm or corporation to whom any contract may be awarded, directly or indirectly, by rebate, gift or otherwise, any money or other thing of value whatever, nor shall he receive any promise, obligation or contract for future reward or compensation from any such party; provided, that should said purchasing agent violate any of the provisions of this act, or should he receive any rebate, drawback, profit or benefit from any contract, he shall be deemed guilty of a felony and, upon conviction, shall be punished by confinement in the penitentiary not less than two nor more than five years.

SEC. 2. Upon being appointed and confirmed as aforesaid, said agent shall take the constitutional oath of office, and enter into a bond, with two or more good and sufficient sureties, payable to the State of Texas, in the sum of fifty thousand dollars (\$50,000), to be approved by the Governor of the State, and conditioned for the faithful performance of his duties, and that he will correctly and honestly pass upon and award all bids and contracts for supplies, and will fully and accurately account to and pay over to the State, or to the persons authorized to receive the same, all moneys, merchandise and articles of value that shall come into and pass

through his hands as such agent, or for which he may be responsible; and also conditioned that he will honestly, faithfully and accurately disburse and account for all moneys controlled or handled by him in the performance of his duties. It is further declared unlawful and within the conditions of said bond for said agent to sell or be in any manner concerned in the sale of any merchandise, supplies or other articles to any of the institutions herein named or to any other department or institution of the State. It shall also be within the conditions of said bond, and the same shall provide, that said purchasing agent shall not accept or receive, directly or indirectly, by rebate, commissions or in any other manner whatever any money or other thing of value from any person, firm or corporation to whom said agent may award any contract, directly or indirectly. The said bond shall be filed in the office of the Comptroller, and recoveries may be had on the same until exhausted.

SEC. 3. There shall be appointed by the superintendents, with the advice and consent of the boards of managers of said institutions, storekeepers and accountants, one for each of said institutions, who shall hold their offices for two years from date of qualification, or until their successors shall have qualified, unless sooner removed by the boards of managers at the suggestion of the superintendent or upon the complaint of the purchasing agent, for inefficiency, incompetency, neglect of duty or other adequate cause affecting their faithful and satisfactory performance of duty. Said storekeepers or accountants shall receive a compensation not to exceed the sum of nine hundred dollars (\$900) per annum, to be charged and paid as part of the current expenses of said institutions, and they shall not be entitled to charge, collect or receive any other compensation or commutation or commission, unless their own individual board and lodging, if they shall be required to reside within the institutions to which they are attached. Each of said storekeepers or accountants shall, before entering upon the performance of his duties, make and file with the Comptroller of Public Accounts a bond in the sum of ten thousand dollars (\$10,000), payable to the State of Texas, to be approved by the Governor and filed with the Comptroller, which bond shall be conditioned for the full, faithful, accurate and honest performance of his duties, and it shall not be lawful for said storekeepers or accountants to sell or be in any way concerned in the sale of any merchandise, supplies or other articles to any of the institutions herein named, or to have any interest in any bid or contract therewith or with any other institution or department of the State government. The offices or positions of steward, quartermaster or other similar position heretofore existing in any and all of said named institutions are hereby abolished, and said storekeepers or accountants shall hereafter perform all the duties, except such as may be inconsistent with the provisions of this act, heretofore imposed upon such abolished officers or employes, as well as such other duties as may be required of them by the management of said institutions. They shall also keep the purchasing agent constantly advised as to the amount and character of supplies on hand, and the amount and character required in order to keep the institutions constantly provided for. They shall also furnish any other information respecting such matters as may be desired by the said purchasing agent.

Any person violating any of the provisions of this section shall be deemed guilty of a felony and upon conviction thereof be punished by

confinement in the State penitentiary not less than two nor more than five years.

SEC. 4. It shall be the duty of the purchasing agent aforesaid to contract for all supplies, merchandise and articles of every description needed for the maintenance and operation of said institutions, except those supplies that are of a strictly perishable character, basing his contract or contracts upon estimates to be furnished him by the superintendents and approved by the boards of said institutions respectively, by the first day of May of each year, for an entire year; and all such contracts shall be made after full notice by advertisement of not less than four weeks in at least four of the leading papers of the State to be selected by said agent and within the limit of appropriations made by the Legislature for such purposes, regard being had to the appropriation for each institution. Such advertisement shall call for sealed bids or proposals to furnish the aggregate of the desired articles and supplies as estimated for by such institutions, naming the articles and supplies and the quantities and character required, and all such bids or proposals shall be for the entire period of one year; such supplies, articles and merchandise to be delivered at such times, in such quantities, and to such institutions as said agent may from time to time designate, and should the supplies, or any portion thereof, as contracted for, be not sufficient for the year for which the contract or contracts shall be made, then the contractor or contractors shall be required to furnish such additional supplies at the prices named for similar articles under the contract or contracts; provided, that should said purchasing agent at any time discover that he could purchase the same supplies for less money for any one year by buying the same for a less length of time than one year, he shall have the authority to make such purchases for a shorter length of time, but not less than three months. It being the purpose of this act to authorize and require said purchasing agent to make such contracts upon such terms as will secure the best and cheapest rates for the State in the purchase of supplies and articles of necessity for said institutions, and to that end he shall reserve the right to reject any and all bids, or to accept any bid in part or reject it in part; and if none of the bids and proposals are deemed advantageous and satisfactory, he may buy in the open market until a proper and satisfactory bid is offered. The period for which such bids or proposals are invited shall be clearly stated in said advertisements, as well as the terms and conditions contemplated by the provisions of this act. When the same article is estimated for by two or more institutions, but of different brands or grades, the purchasing agent may determine which of the brands or grades shall be purchased so as to produce uniformity in use by all the institutions; provided, that other things being equal, supplies offered by bidders who have an established local business in this State shall have preference.

SEC. 5. Any and all bids or proposals under this act shall be accompanied by a good and sufficient bond or a certified check in such sum as the said purchasing agent may require, the same to be stated in the advertisements aforesaid, and the said agent may, if he deems it advisable, advertise for the various articles and supplies needed separately or together, and may accept the bid or bids for the same to be furnished separately or all by one bidder, as may be most advantageous to the State,

and when purchases are made by the State Purchasing Agent preference shall be given to State or home products, all things being equal.

SEC. 6. All bids shall be opened on the date and at the place specified in the advertisement for the same, and such opening and inspection of the bids shall be made by the purchasing agent in the presence of the Governor and Comptroller of Public Accounts and of the Superintendent and Board of Managers, if they desire to be present. The supplies and articles furnished under all bids and contracts shall be such as are called for by requisitions of the superintendents of the several institutions named, and equal to and of the same quality as the sample furnished purchasing agent, and all supplies furnished by contract as provided herein shall be equal to the sample which is required by Section 4 to accompany the bid. And when the supplies delivered under contract do not come up to the sample, the Superintendent shall refuse to accept the same. The estimates furnished said purchasing agent as aforesaid, upon which he makes his advertisements and contracts, shall, as near as practicable, state the quantity and quality of the articles and supplies needed, and when possible, the brand of the same, and copies of such estimates shall be filed with the Comptroller and be open to public inspection.

SEC. 7. Invoices of all supplies of whatever kind, shall be furnished in triplicate by the contractor or seller at the time of each delivery of said supplies, two of which shall be transmitted to the storekeeper of the institution to which supplies are sent, and one by the same mail to the purchasing agent. As soon as the supplies shall have been received and examined by the storekeeper of the institution to which the same shall have been shipped, and if he shall find them to correspond in every particular with the invoices transmitted him and the samples by which the supplies were sold, he shall transmit to the purchasing agent one of said invoices with a certificate thereon that the supplies received correspond in every particular with the invoice, and the sample by which the supplies were sold, and if the purchasing agent shall, upon further examination find such invoice to be correct, he shall transmit it with his approval to the Comptroller, and when such invoice so approved by the storekeeper of the institution to which the supplies named therein have been furnished, and by the purchasing agent, shall have been further approved by the Comptroller, he shall draw his warrant for the amount due on the invoice, or upon so much thereof as has been allowed, upon the State treasury, and it shall be charged against the institution so furnished. And the contractor or seller to the invoice to be transmitted by him to the storekeeper, thence to the purchasing agent, and thence to the Comptroller, shall append an affidavit made and subscribed to by him before any officer having a seal and authorized to administer oaths, that the invoice is correct, and that it corresponds in every particular to the supplies furnished and shipped.

SEC. 8. When any bid shall have been accepted, the purchasing agent shall require of the successful bidder a bond payable unto the State, with good and sufficient sureties, in the sum not less than one-third of the amount of the bid, to be approved by the Comptroller, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered, said bond to be filed in the office of the Comptroller, and recoveries may be had on such bond until exhausted.

SEC. 9. In case any temporary and unforeseen exigency should arise in

any of the institutions named, and it shall be made to appear upon the written statement of the superintendent to the Board of Managers of such institution that a serious detriment will be caused to the service if the method of purchase, as hereinbefore defined, shall be pursued, then such board, if upon examination it shall deem an immediate purchase necessary, may by appropriate order to be approved by the Governor and duly entered upon its minutes, authorize the purchase of such supplies as may be needed to meet such temporary and unforeseen exigency, and which are not embraced in any existing contract, and the superintendent may thereupon direct the storekeeper to purchase the same in open market. A report of such purchase, together with a copy of the application of the superintendent, and the order of the board, shall be transmitted to the purchasing agent, and he shall transmit the same, with his endorsement thereon to the Comptroller, and upon it the Comptroller shall issue his warrant upon the treasury of the State for the amount so expended. The provisions of this section shall only apply to articles and supplies that are not of a strictly perishable character.

SEC. 10. All purchases by contract, or otherwise, as herein authorized, shall be in accordance with such appropriations as have been made by the Legislature for the support of the several institutions respectively.

SEC. 11. The Governor, Comptroller and purchasing agent shall frame and transmit to each institution a system of rules and regulations for the purchase of such supplies as are strictly perishable in their character, and to which conformity by all the institutions is hereby required.

SEC. 12. The purchasing agent shall have authority to appoint one clerk to assist him in his duties, with a salary not to exceed one thousand dollars (\$1000.00) per annum, and shall make an annual report to the Governor at the end of each fiscal year covering all his acts and doings, and such report shall be laid before the Legislature at its next session thereafter.

SEC. 13. The institutions herein contemplated are those for the care of the insane, the deaf and dumb, the blind, the orphans, the Confederate Home, and all others of a charitable and eleemosynary character, to be hereafter established under State patronage and control, and all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 14. The sum of six thousand eight hundred dollars (\$6800.00), or so much thereof as may be necessary, is hereby appropriated to pay the salary of the purchasing agent and the clerk aforesaid and contingent expenses for the first two years after the enactment and taking effect of this act; provided, that no officer, or employe created by this act shall ever use or receive for their own use any provisions, clothing, merchandise or other articles furnished by the State, but that the salaries herein fixed shall be their only compensation, and any person who violates this provision shall, upon conviction, be punished by confinement in the penitentiary for a term not less than two nor more than ten years.

SEC. 15. No account for goods, wares or merchandise purchased by any officers created by this act, shall be paid, unless sworn to as required by Article 2323, of Revised Civil Statutes of Texas, which affidavit shall further state, that no commission or other compensation has been or will be paid as a consideration for such purchase, and that affiant knows such facts.

SEC. 16. The near approach of the close of the present session, and the



large number of bills now upon the calendars of the House and Senate, and the importance of this act, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 4, and reported to the House, where it was amended and passed, vote not given; Senate concurred in House amendments by a two-thirds vote, yeas 25, nays 2.]

Approved April 19, 1899.

## PERMANENT SCHOOL FUND—EXTENDING FIELD OF INVESTMENT.

### CHAPTER LXXXVII.

S. H. B. Nos. 275 & 313.]

An Act to amend Articles 3892, 3893 and 3894, Chapter 6, Title 86, of the Revised Civil Statutes of the State of Texas, relating to the duties and extending the powers of the Board of Education, in the investment of the permanent free school fund, and adding thereto Article 3891a and 3894a, giving the State Board of Education an option of ten days on county bonds and on the bonds of incorporated cities, and providing that when a premium is paid for bonds, the Board of Education shall refund the same, and to authorize commissioners' courts to invest the permanent public free school fund belonging to the counties in this State, as provided in this act for the investment of State permanent public free school fund.

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas:* That Articles 3892, 3893 and 3894, of Chapter 6, Title 86, of the Revised Civil Statutes of the State of Texas be and the same are hereby amended, and Articles 3891a and 3894a are added, so as to hereafter read as follows:

Article 3891a. The Board of Education is hereby authorized and empowered to invest the permanent public free school fund of the State in the bonds of the United States, the State of Texas, and the bonds of the counties of this State; and in the event the Board of Education are unable to invest all of the permanent public free school fund in such securities, they are authorized and empowered in their discretion to invest in the bonds of incorporated cities in said State.

Article 3892. Hereafter, when any county bonds, or the bonds of any incorporated city are offered for sale, the party offering and proposing to sell such bonds shall first submit them to the Attorney-General of the State, who shall carefully inspect and examine the same in connection with the law under which they were issued, and shall diligently inquire into all facts and circumstances so far as may be necessary to determine the validity thereof, and upon being satisfied that such bonds were issued in conformity with law, and that they are valid and binding obligations upon the county or incorporated city by which they purport or appear to have been issued, he shall thereupon certify to their validity, and his certificate to that effect, so procured by the party offering such bonds for sale, shall be submitted to the Comptroller or Board of Education, with the bonds so offered for sale; and should the same be purchased

as an investment for the permanent public free school fund from the county or incorporated city issuing the same, or from any person authorized by said county or incorporated city to act for it in the negotiations or sale of such bonds, they shall thereafter be held in every action or proceeding in which their validity is or may be called in question, to be valid and binding obligations of the county or incorporated city issuing the same, unless fraudulently issued or issued in violation of constitutional limitation; and in every such action the certificate of the Attorney-General, as aforesaid (which shall be carefully preserved by the Comptroller) shall be admitted and received as prima facie evidence of the validity of the bonds and coupons thereto, which may have been so purchased; and it is further provided, that the commissioners' courts of the counties of this State are hereby authorized to invest the permanent school fund belonging to the county in the manner provided in this act for the investment of the State fund.

Article 3893. Nothing in the preceding article shall be so construed as to relieve the Comptroller or Board of Education from the duty of a careful examination of the bonds offered as an investment for the permanent public free school fund of the State, an investigation of the facts tending to show the value and validity thereof, and such Board of Education may decline to purchase same, unless satisfied that they are a safe and proper investment for such funds, and no bonds shall be purchased as an investment for the permanent public free school fund that do not bear as great a rate of interest as at least three per cent. per annum; and no county bonds or the bonds of any incorporated city shall be purchased as an investment for the permanent public free school fund when the indebtedness of such county or incorporated city, exclusive of the bonds so offered, shall exceed five per cent. of the assessed value of the real estate in such county or incorporated city, and if default be made in the payment of interest when due upon such bonds, the Board of Education may at any time prior to the payment of such overdue interest, elect to treat the principal as also due, and the same shall thereupon, at the option of the Board of Education, become due and payable, and the payment of both such principal and interest shall in all such cases be enforced in such manner as is or may be provided by law, and the right to enforce such collection shall never be barred by any law or limitation whatever.

Article 3894. In all cases where the proceeds of the sale of any bonds have been received by the proper officers of the county or incorporated city, or by the party acting for it in negotiating the sale thereof, such county or incorporated city shall thereafter be estopped from denying the validity of such bonds so issued, and the same shall be held to be valid and binding obligations of the county or incorporated city, and in any action upon such bonds, or coupons thereto, judgment shall be rendered against the county or incorporated city for the amount of the bonds sued on and interest thereon, at the rate mentioned therein, deducting such amounts, if any, as have been previously paid thereon.

Article 3894a. Whenever any county or incorporated city of this State issues any bonds, and they have been approved by the Attorney-General, as is required by the previous articles of this chapter, the county judge of the county or the mayor of the incorporated city, as the case may be, shall notify the State Board of Education of all bids received for such bonds, and the said county judge or mayor, as the case may be, shall give

the State Board of Education an option of ten days in which to purchase such bonds; provided, that the said Board of Education will pay the price offered for such bonds by the best bona fide bidder, and if the Board of Education shall fail to purchase such bonds within the prescribed time, then the county judge or mayor, as the case may be, shall sell the bonds to the best bona fide bidder.

In the event the State Board of Education should pay a premium out of the permanent school fund on any bonds purchased as an investment for the permanent school fund, then the principal of such bond and an amount of the interest last accruing on such bond, equal to the premium so paid, shall be, and be treated as the principal in such investment, and when such last interest is collected such sum of the same shall be returned to the permanent school fund.

And if they purchase said bonds for less than par, the discount they receive in the purchase of said bonds shall be paid to the available school fund when the bonds are paid off and discharged.

The price paid for bonds shall be endorsed thereon at the time the same are purchased.

SEC. 2. The fact that there is now over one million dollars belonging to the permanent public free school fund, which is uninvested, creates a public necessity and emergency, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by a two-thirds vote, yeas 21, nays 6.]

Approved April 20, 1899.

## NAVARRO COUNTY—ROAD SYSTEM.

H. B. No. 531.]

### CHAPTER LXXXVIII.

An Act to create a more efficient road system for Navarro county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing for the trimming of hedges by the owner of land, and providing a penalty for failure to trim said hedges, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax-payers on the public roads, and relieving them from the payment of said work by the payment of the sum of three dollars, and providing further, making this law cumulative of the general laws and in case of conflict this act to govern as to Navarro county, Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners' court of Navarro county shall be ex-officio road commissioners of their county, and under the direction

of the commissioners' court, shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by said court; and it shall be their duty under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law, or by the commissioners' court, and that he will account for all money or property belonging to the county that may come into his possession; provided, that with the consent of the commissioners' court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of the commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioners when a deputy road commissioner has been appointed.

SEC. 2. The commissioners' court of said county shall have full power and authority, and it shall be their duty to adopt such system for working, laying out, draining and repairing the public roads in said county as they may deem best, and from time to time said court may change its plan or system of working. Said commissioners' court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have power to construct, grade or otherwise improve any road or bridge by contract. In such case said court or county judge of said county, may advertise in such manner as said court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids; and the said court shall have authority to employ any hands or teams to work on the roads under such regulations and for such price as they deem best.

SEC. 3. The commissioners' court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as it may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and then on the cost for each day he may labor. The officers and witnesses shall be paid their costs as is now provided by the General Laws; said cost shall be paid to the officers and witnesses out of the road and bridge fund on the warrant of the county judge, when said fine and costs shall have been worked out in full. The commissioners' court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior; provided, that such commutation in no case exceeds one-tenth of the whole time. The commissioners' court may offer a reward, not to exceed ten dollars, for the recapture of an escaped county convict, which shall be paid out of the general fund to the person recapturing said

escaped convict, except the person from whom said convict escaped. Said reward, when offered and paid, shall be taxed against said convict, with all other actual costs for recapturing and returning said convict, and said convict shall be required to pay said reward and other costs in recapturing and returning said convict. The commissioners' court may provide the necessary houses, prisons, clothing, bedding, food, medicine and medical attention and guards for the safe and humane keeping of convicts.

SEC. 4. Each county commissioner shall have control of all road overseers in his precinct, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the precinct of said overseer, so far as he has been supplied therewith by the commissioners' court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession. It shall be the duty of the road overseer when he has finished his work on his road, to return to said commissioner all teams, tools and machinery received from him, and to take up the receipt given therefor.

The road commissioner of each commissioner's precinct shall have control of all persons liable to work upon public roads, and said road commissioners shall have full power and authority to call out all or any part of said persons at any time for special work without notice, and the overseer shall have the same power.

SEC. 5. It shall be the duty of a county commissioner when acting as road commissioner, to inform himself of the condition of the public roads in his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all road overseers in his district.

SEC. 6. The commissioner may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, unless the terms of service as prescribed by the General Laws shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer shall have control of all road hands within his precinct, and shall see that each hand, when called out, shall perform a good day's work, and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners' court may allow to any overseer, who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and fifty cents per day for the time so served; provided, that such service shall be done under the written order of the road commissioner. When it shall become necessary for any road overseer to exchange the labor of any hand or hands for plows, scrapers, wagons or teams, as provided by general law, said overseer shall allow fifty cents per day for a wagon, scraper or plow, and one dollar per day for a team.

SEC. 7. Any citizen of Navarro county liable for road duty, who shall,

on or before the first day of January of any year, pay to the county treasurer the sum of three dollars shall be exempt from road duty for such year, beginning on the fifteenth day of February. The treasurer shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund. The treasurer shall on the third day of January, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective precincts, that have paid said sums as provided in this section.

SEC. 8. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening or draining any road or part thereof, if the owner of such land and the county commissioners' court cannot agree upon the damage to be paid, the county may proceed to condemn the same under the provisions now provided by the General Laws of the State in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had and the same right shall exist to each party as if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 9. Each owner of a farm, or other lands, upon which a hedge of any description grows on or near the public road, shall be required to keep the same so trimmed, that the same shall not obstruct said road. Any owner who shall fail or neglect to so trim such hedge shall be notified in writing by the road overseer of that precinct to trim such hedge as herein required, and in such case, if such owner shall, after receiving such notice, fail or refuse to so trim such hedge within a reasonable time, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed twenty dollars per week from and after the time that he received such notice; such fine to be paid into the county treasury and to be placed to the credit of the road and bridge fund of said county.

SEC. 10. Each county commissioner, when acting as road commissioner, and performing the duties imposed upon him by law or by the commissioners' court, shall be entitled to two dollars and fifty cents per day for the services actually performed; provided, said sum to be paid him shall not exceed one hundred dollars per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners' court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days work actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road or for other road service.

SEC. 11. If any county convict shall escape from any person or persons having said county convict in charge for said county, said county convict so escaping shall be guilty of an offense, and upon conviction shall be fined not less than ten nor more than twenty-five dollars.

SEC. 12. This act shall be taken notice of by all courts in the same manner as the General Laws of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to Navarro county.

SEC. 13. Whereas, the road law of Navarro county as it now exists, is so defective that the roads therein have not been and are not in good condition, and cannot be made so under the present law, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 0; and passed the Senate by a two-thirds vote, yeas 22, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-seventh day of April, A. D. 1899, but was not signed by him nor returned to the house in which it originated, with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect May 10, 1899.

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#### SCHOOL LANDS—VALIDATING TITLES.

S. B. No. 254.]

#### CHAPTER LXXXIX.

An Act to amend Section 16, of an act entitled "An Act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools and the several asylums, and the lease of such lands and of the public lands of the State and the patenting of any part of said lands for church, cemetery or school sites, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor," passed by the Twenty-fourth Legislature of the State of Texas, being Chapter 47 thereof, and Section 16 being known as Article 4218q, of the published Revised Statutes of the State of Texas, of 1895, and to validate the titles to lands heretofore bought and to which patents have issued.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Section 16, of the act entitled "An Act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools and the several asylums, and the lease of such lands and of the public lands of the State, and the patenting of any part of said lands for church, cemetery or school house sites, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and prescribe and provide adequate penalties therefor," passed by the Twenty-fourth Legislature, and being Chapter 47 thereof, and Section 16, being known as Article 4218q, of Title LXXXVII, of the published Revised Statutes of the State of Texas of 1895, be and the same is hereby amended, so as hereafter to read as follows:

Section 16. The Commissioner of the General Land Office shall adopt such regulations for the sale of timber on the timbered lands as may be deemed necessary and judicious. Such timber shall not be sold for less than five dollars per acre, cash, except in such cases as the Commissioner may ascertain by definite examination by an approved agent appointed

by him for that purpose, to be paid by the purchaser, to be sparsely timbered or containing timber of but little value, in which case he may sell the timber on such sections or part of sections at its proper value; provided, such timber is sold at not less than two dollars per acre, and that the contract for the sale of said timber shall specify the character of timber sold; and provided further, that no timber shall be removed from the land sold except timber specified in the contract. The purchaser shall have five years from the date of his purchase within which to remove the timber therefrom, and in case of failure to do so, such timber shall thereby be forfeited to the State without judicial ascertainment; provided, that all timber lands from which the timber has been cut and taken off may be placed on the market and sold as agricultural or grazing lands, according to classifications to be made by the Land Commissioner; provided, that the purchaser or his vendees of any such timber, heretofore or hereafter bought from the State, shall have the right to purchase for cash the land upon which such timber so purchased is situated, at two dollars per acre, cash, at any time before the expiration of the time allowed by law for the removal of said timber as provided by law; provided further, that all sales of land made by the Commissioner of the General Land Office under Section 16, where the land and timber thereon has been fully paid for, or which may be paid for as in said section is provided, by the purchaser or his vendee of such land and timber at the price fixed by virtue of pre-existing law, is hereby validated; this to apply to lands upon which the timber was sold by the State prior to the above mentioned Act of 1895, as well as to lands upon which the timber was so sold after the passage of said act; provided further, that any actual settler upon any of such land may have the right to purchase the land after the removal of the timber at not less than \$1.00 per acre, nor more than \$1.50 per acre, by paying to such purchaser of the land and timber one-fifth of the purchase price in cash and one-fifth annually thereafter of the balance of such purchase money, with interest at six per cent. per annum; provided, that such settler shall not have the right to buy any of said lands that are actually improved or occupied by such purchaser of the land and timber in the first instance, or his assigns; and provided, said actual settler shall buy not less than one hundred and sixty acres; provided, the provisions of this act shall only apply to persons or their vendees who purchased the timber upon said lands prior to the passage of the Act of 1895, and purchased said land upon which said timber was located subsequent to the passage of the Act of 1895, and to whom patents have issued; provided further, that persons, or their vendees, who purchased the timber upon any of the lands mentioned in this act prior to 1895, and have complied with all the provisions of the law in regard to the sale of such timber, shall have the right to purchase the lands upon which such timber is located at any time within six months after the passage of this act, at not less than two dollars per acre, cash; provided, that not more than four sections of such land shall be sold to any one person or persons who compose any firm, association, joint stock company or corporation conducting, owning or controlling or doing a saw mill business in this State, it being the intention of this act to prohibit the sale of more than four sections of such land to any one person, or to any one firm, association, joint stock company or corporation owning, controlling or conducting a saw mill in this State, and such sale shall be made in compliance



with and subject to all conditions, limitations or restrictions now provided by law regulating the sale or purchase of other public school, asylum or University lands in this State; provided further, the limitation of four sections herein above contained shall in no manner apply to or in any affect such purchasers of said land to whom patents have heretofore issued.

SEC. 2. The fact that the calendar is greatly crowded and that this bill is greatly needed to prevent unjust discrimination against purchasers of timber lands, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby so suspended, and that this act be in force and effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given, and was reported to the House, where it was amended and passed, vote not given; and reported back to the Senate; Senate concurred in House amendments by a two-thirds vote, yeas 22, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-eighth day of April, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—P. B. CRUGER, Chief Clerk and Acting Secretary of State.]

## SCHOOL DISTRICT—VICTORIA INDEPENDENT.

S. B. No. 243.]

### CHAPTER XC.

An Act validating the incorporation, for school purposes only, of Victoria Independent School District, an independent incorporated public school district heretofore incorporated in Victoria county, including within its limits the municipal corporation of the town or city of Victoria; adding to the same certain territory, so as to make the same hereafter co-extensive with the ancient and original town tract of Victoria; validating the acts of the board of trustees thereof; authorizing the board of trustees to levy, assess and collect special taxes; conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and further prescribing the duties and authorities of said board.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The incorporation by election held by order of the county judge of Victoria county on the ..... day of ....., 1898, at which a majority of votes were cast in favor of incorporation of an independent incorporated school district in the county of Victoria, comprising twenty-five square miles of territory, and including within its limits the city of Victoria, which has not assumed jurisdiction of the public schools, is hereby in all things validated.

SEC. 2. All lawful official acts of J. M. Brownson, J. D. Mitchell, G. H. Hanschild, F. B. Lander and C. L. Thurmond, Jr., constituting the board of trustees of said incorporated school district, are hereby validated.

SEC. 3. There is hereby added to and made a part of said district all

territory being part of the original and ancient grant of four leagues of land made to the city of Victoria, that was not included in said district, so as to make the same to be now and hereafter co-extensive with the original tract of Victoria, as defined in the public archives of Texas, and delineated upon the public maps and plats thereof, and the authority of the board of trustees aforesaid, and their successors in office, shall extend to the amplified limits of said district as herein declared.

SEC. 4. The board of trustees of Victoria Independent School District shall be a body politic and corporate in law, and, as such, may contract and be contracted with, sue and be sued, plead or be impleaded in any court of this State, of proper jurisdiction, and may receive any gift, grant, donation or devise made for the use of the public schools of the district.

SEC. 5. The board of trustees of said district shall manage and control the public free schools within said district to the exclusion of every other authority excepting in so far as the State Superintendent of Education, the State Board of Education, or the county judge, or county school superintendent of Victoria county may be vested with general supervisory authority to instruct said board.

SEC. 6. Members of the board of trustees of Victoria Independent School District shall be resident citizens, having resided within the district for six months preceding the date of election or appointment, and they shall be freeholders. Each member of the board, before entering upon the discharge of his duties shall make and subscribe the usual oath for the faithful and impartial discharge of the duties of his office.

SEC. 7. Vacancies in the board shall be filled by vote of a majority of the members continuing in office.

SEC. 8. The members of the present board of trustees shall hold their offices until the election on the first Tuesday in June, A. D. 1899, and qualification of their successors, and on the first Tuesday in December, 1901, and each alternate year thereafter, there shall be elected by a majority vote of the electors of said independent school district six trustees and a president to serve for two years, and until their successors are elected and qualified.

The said first election to be held shall be ordered by the county judge of Victoria county, and no notice of said election shall be required further than given by the passage of this act, and all subsequent elections shall be ordered by the board of trustees of said district at least ten days prior to said election, and the secretary of said board shall publish notice of such election in some newspaper published in said district.

SEC. 9. The officers of the board shall be elected by a majority vote of the members of the board, and shall be, a president, a vice-president, a secretary, a treasurer, and an enumerator, who shall be *ex-officio*, the assessor and collector; and said officers shall hold their offices until removed by a majority vote of the members of the board.

SEC. 10. The treasurer shall give bond, payable to the State of Texas, to be approved by the board of trustees, for a sum equal to double the probable amount of taxes assessed and the pro rata share of the available school fund received by the district, to be conditioned for the faithful discharge of his duties, and the payment of the funds received by him upon proper warrant drawn thereupon.

The enumerator, as *ex-officio* assessor and collector, shall give bond,

to be fixed in amount by the board, and to be approved by the board, payable to the State of Texas, conditioned for the faithful discharge of the duties of his office and for the payment of all moneys that may be received by him to the treasurer of the board; said bond to be not less than double the probable amount of taxes assessed during the next year.

SEC. 11. The official duties and authority of the officers of the board shall conform within the sphere of the business of the board, to the duties and authority of corresponding officers in the city council of the city of Victoria; said officers being guided and directed in the performance of such duties and authority by the rules prescribed for that purpose by the board.

SEC. 12. The board shall prescribe necessary rules for the form and manner of conducting special tax elections, of electing its officers, of appointing and conducting its meetings, of filling vacancies in its membership, of appointing its committees for regulating and facilitating its business in the establishment of schools and the conduct of them, for fixing the mode and manner of electing teachers and fixing their compensation within the limits fixed by general law, providing for the investigation of misconduct or incompetency of teachers, and providing for the cancellation of the contract with and discharge of any teacher found guilty upon due investigation and proof of unbecoming conduct, inefficiency, neglect of duty, incompetency, or other fault demanding such cancellation of contract and discharge, in the interest of good order, discipline and efficiency of the schools, and generally to adopt any such regulations as will subserve the efficient and perfect management of the schools.

SEC. 13. A record or minutes of the proceedings of the board shall be kept and recorded in a well bound book, in proper form, which shall be open to inspection of the public.

SEC. 14. The board of trustees shall require the enumerator, according to such rules and regulations as it shall have provided for his instruction and authority, to annually take the necessary census of all children within the district entitled to be enrolled and numbered in the scholastic census for the current year, to the end that said district shall receive its full proportionate share of all the available school funds, and to make timely reports thereof in the prescribed forms, to the proper State and county authorities.

SEC. 15. For failure to perform official duty or for neglect of duty, or for immoral conduct, or debauchery, calculated to disgrace the board, any member of the board may be removed from office or from service upon the board, all the other members of the board voting for such removal.

SEC. 16. Said district being now without adequate grounds and buildings for the use of the public free schools, and the laws of the State now prohibiting the use of any part of the available school funds for any other purpose than the payment of salaries of teachers, making it imperative to borrow money upon the credit of the district bonded for the repayment thereof, with interest to the lender in order to secure funds necessary to purchase grounds and erect suitable school buildings in said district and equip and furnish the same, the board of trustees of Victoria Independent School District are hereby authorized to borrow, from time to time, as much money for such purpose as the board may deem suffi-

cient; provided, that at no time shall the bonded indebtedness of the district for such purpose exceed the principal sum of fifty thousand dollars for every two thousand children enrolled within the district of the scholastic age; and provided, that the value of all property taxable within the district on the first day of January next preceding the date of issuance of any issue of bonds shall be sufficient to yield an annual tax, levied within the limits fixed by law for such purpose that will be sufficient to provide a fund sufficient to pay the annual or semi-annual interest, installments or coupons, and moreover, provide a sinking fund sufficient to take up and discharge such issue of bonds at the maturity of the same; and provided, such sufficient tax for the current fiscal year shall have been lawfully authorized and levied for such purpose.

SEC. 17. Whenever it shall be necessary to borrow any sum of money to purchase grounds and erect, furnish and equip school buildings thereon, the board of trustees of Victoria Independent School District shall determine the amount of money required. It shall then ascertain what rate of tax must be levied upon the basis of the value of the taxable property assessable for taxes within the district in order to make the sum of the interest debentures and annual sinking fund that will be required to provide for the payment of the bonds, equaling the amount of such sum to be borrowed and the sinking fund and interest charges upon any prior outstanding bonded indebtedness, and to pay the costs of collection and disbursement of the taxes and negotiation of the bonds. It shall then immediately cause an election to be held on some secular day, not a legal holiday, within sixty days after the date of ordering such election, of which thirty days' prior notice shall be given by the board by published or posted proclamation, or both, in the manner of election proclamations or notices by the county judge, at which election all qualified property tax-paying voters of the district may vote for or against the proposed tax, to determine whether or not the levy of the proposed tax, at the rate ascertained as above directed, shall be made. The votes of two-thirds of the qualified property tax-paying voters voting at the election being cast in favor of the tax, shall authorize the levy to be then immediately made by order of the board, and it shall so order it.

SEC. 18. After the levy of a sufficient annual tax to provide for the repayment of the same, with interest, according to the contract and to pay the probable costs of collection and disbursement of the taxes, and the costs, if any, of negotiation of bonds, the board of trustees of Victoria Independent School District of Victoria county, State of Texas, shall be authorized to contract for the loan of the principal sum of money required and ascertained as hereinbefore directed, or for a less sum at such rate of interest, payable semi-annually, as will secure the loan without discount, but not to exceed the rate of six per centum per annum; and to deliver to the lender thereof the obligation of the board of trustees of Victoria Independent School District of Victoria county, State of Texas, and their successors in office, in the form of negotiable bonds, with interest coupons attached for the repayment of the principal sum of such bonds within the time stated in the bonds, not to be a longer time than forty years, nor a shorter period than twenty years from the date of issue, and for the payment of the semi-annual installments of interest thereupon at the rate specified in the bonds and coupons therefor.

SEC. 19. Whenever a sufficient sum of money available for such pur-

pose, whether borrowed upon the credit of the district or donated to it or proceeding from the sale of any of the property of the district, shall be in the treasury, the board shall proceed to purchase therewith such building sites and erect thereon, furnish and equip all such needed school buildings as the accumulated funds will be sufficient to pay for; and the board may adopt such methods in the premises as it may deem best calculated to secure the best value for the money to be invested.

SEC. 20. The board and each officer thereof shall make all such reports in school matters as the general school laws may require.

SEC. 21. The president and vice-president of the board shall serve without compensation, and the secretary shall receive no salary or fees payable out of the public funds, but shall be entitled to receive from the person to whom the same is issued fifty cents for each warrant drawn against the treasurer, and he shall also be entitled to receive twenty-five cents for each affidavit, to an account, report or teacher's contract filed with him by any teacher, such fees to be paid by the person interested in such report, account or contract, but where these are required to be made in duplicate or triplicate, only one fee may be charged.

SEC. 22. The treasurer and enumerator as such, and as *ex-officio* assessor and collector, shall receive such compensation for their services as may be allowed by the board, either in the form of commissions or stated salary; provided, the enumerator for all services as such or *ex-officio* performed by him shall receive no more than five hundred dollars per annum; and provided, the treasurer shall receive no more than one hundred dollars per annum.

SEC. 23. The absolute title to all property within Victoria Independent School District as hereby established of right belonging to the use of the public free schools from whatever source deraigned, or in whomsoever the recorded or unrecorded title thereof may be vested, shall, upon the passage of this act, vest in the board of trustees of said district hereinbefore named and their successors in office.

SEC. 24. The board of trustees of Victoria Independent School District may, in their discretion, dispose of by sale or exchange any public property belonging to the district and within the district or out of it not desirable to be retained for the use of the public schools, or as an investment upon such terms as the board may deem advantageous, fair and securing the equivalent in price or value; and to that end the board is authorized to make, sign, acknowledge and deliver all such deeds of sale or exchange as may be necessary to carry out or put in effect any sale or exchange made.

SEC. 25. The board of trustees of Victoria Independent School District shall prescribe rules for the government of the assessment and collection by its enumerator or *ex-officio* assessor and collector of the special taxes voted and levied upon the property taxable in the district, which rules shall conform practically to the ordinances of the city of Victoria on the same subject, and all taxes levied according to this act, and assessed according to the rules prescribed by the board upon any property taxable within the district, shall be a lien upon the property against which it is assessed.

SEC. 26. To facilitate the prompt collection of the taxes and to effectually avail itself of the lien therefor upon any property delinquent, the board of trustees may, in its discretion, waive the regular proceedings

prescribed by general law for the enforced collection of taxes and adopt the extraordinary remedy of a direct suit therefor against the owner of the property delinquent and for the foreclosure of the lien, in the form of suit for debt and foreclosure according to the statutory forms and rules of procedure in such case. Such suit may be instituted and prosecuted in the name of Victoria Independent School District, as plaintiff.

SEC. 27. One election may be held in each year to determine whether or not a special tax shall be levied, notwithstanding an election held in the preceding year may have resulted contrary to the proposed tax.

SEC. 28. The board of trustees shall annually levy a sufficient special tax within the limits fixed by law to pay the interest and sinking fund charges on account of any outstanding bonds theretofore issued upon the credit of the district.

SEC. 29. The president and secretary and the vice-president, when acting as president of the board, are hereby authorized to administer oaths or affirmations, and may use the seal of the board in attestation thereof.

SEC. 30. The board shall provide a suitable seal, with a suitable device of its selection, indicative of its official authority, to be used in the authentication of all bonds, warrants, contracts or other documents executed by authority of the board.

SEC. 31. The deplorable condition of said district, being now without any public school buildings for the white schools therein, making it necessary that teachers provide buildings at their private expense in order to carry on the schools at all, creates an emergency and imperative public necessity that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0, and reported to the House, where it was amended and passed by a two-thirds vote, yeas 86, nays 4, and reported back to the Senate; Senate concurred in House amendments by a two-thirds vote, yeas 25, nays 0.]

Approved May 1, 1899.

Became effective May 1, 1899.

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## LAMAR COUNTY—ROAD SYSTEM.

H. B. No. 746.]

### CHAPTER XCI.

An Act to provide a more efficient system for working the public roads of Lamar county, regulating the fees of officers where convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners' court of Lamar county shall be ex-officio road commissioner of his respective district, and under the direction of the commissioners' court of his county, shall have charge of all teams, tools and implements belonging to said county and placed in his hands by said court, and it shall be his duty, under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the build-

ing of bridges. Each of the commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge, or his successor, of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners' court, and that he will account for all property belonging to the county that may come into his possession.

SEC. 2. The commissioners' court of said county shall have full power and authority, and it shall be their duty, to adopt such system for working, laying out, draining and repairing the public roads in said county as they may deem best, and from time to time said court may change its plans or system of working said roads, said court shall have the power to purchase such teams, tools and implements as may be necessary for the working of said roads; such court shall have the power to construct, grade or otherwise improve any road or bridge by contract; in such case said court or the county judge, by the authority of the commissioners' court, may advertise in such manner as the court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge and his successors in office of said county, for the use of the road and bridge fund, with good and sufficient sureties to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but the said court shall reserve the right to reject any and all bids. At the time of making said contract the commissioners' court shall direct the county treasurer to place the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said court shall have the power to employ any hands or teams to work on the roads in said county, under such regulations and for such price as they may deem it to the best interest of said county.

SEC. 3. The commissioners of said county shall require all county convicts of said county, not otherwise employed, to labor on the public roads, under such regulations as said court may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first and then on the cost, for each day that he may labor. The commissioners' court may, at a regular term, allow to the officers such amount of their cost for the arrest and conviction of said convicts as is provided in Article 3742, Revised Civil Statutes of 1895, which amount shall be paid out of the road and bridge fund on the warrant of the county clerk on order of the commissioners' court, when said fine and costs shall have been worked out as provided in this section; provided, that this shall not be construed so as to relieve any convict from the payment of all costs for which he would be liable under the General Laws of the State; provided further, that when any convict, having been put to work under the provisions of this act, shall escape or from any cause become unable to perform labor upon the public roads, or in any manner of employment permitted by law, the commissioners' court may allow to the officers having costs against said convict, such part of their fees as the said convict may have satisfied by labor, at the rate of twenty-five cents per day for each day said convict may have served after satisfying the fine, trial fee and jury fee that may have been adjudged against him, but in no event

shall the commissioners' court make any allowance as compensation for fees to any officer where said officer has received from the convict, or any other person for him, cash or its equivalent to the amount of one-half of such fees that have been adjudged against said convict.

SEC. 4. The commissioners' court may grant a reasonable commutation of time for which a convict is committed as a reward for good behavior and faithful service; provided, that such commutation shall in no case exceed one-tenth of the whole time. The commissioners' court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards for the safe and humane treatment of convicts.

SEC. 5. It shall be the duty of the county commissioners, when acting as road commissioners, to inform themselves of the condition of the public roads in their districts, and they shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all overseers of their districts.

SEC. 6. The commissioners may require each overseer in his district to call out the hands in such numbers as may be sufficient to perform the work necessary; provided, no road hand shall be required to work more than five days in any one year; and provided, that all road hands in a particular district shall, as far as practicable, be worked a uniform time. Each road overseer shall have full control of all road hands within his road district, and he shall see that each hand when called out shall perform a good day's work; and if any hand so called out shall fail or refuse to perform a reasonable day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 7. Any citizen of Lamar county who is subject to road duty who shall, on or before the first day of November of any year, pay to the county treasurer of said county the sum of three dollars shall be exempt from road duty for the year beginning on the first day of January thereafter. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund. The treasurer shall, on the third day of January, or as soon thereafter as practicable, furnish the commissioners' court with a list of all parties who have paid said sum as provided in this section.

SEC. 8. Every person liable to work on public roads in Lamar county who shall pay to his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work shall be exempt from work for each day paid for.

SEC. 9. Each person summoned to work on a road shall take with him an axe, scraper, plow or team, as the overseer may direct; and any person furnishing a team to work on the county roads in Lamar county shall receive a credit of two day's work for each day that said team shall be furnished. The county shall be liable for, and the commissioners' court, under such regulations as they may prescribe, shall pay for all damage done to tools while being used on said road for public road work.

SEC. 10. If any person liable to work upon the public road, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by an able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summon-



ing him, or to pay to the overseer such sum as one dollar per day, for each day summoned to work, he shall be deemed guilty of a misdemeanor, and on conviction thereof he shall be fined in any sum not to exceed ten dollars.

SEC. 11. At the regular term in November of the commissioners' court each year, all road overseers of Lamar county shall make their report, upon oath, upon forms to be furnished them by the commissioners' court. Said report shall state the condition of their roads, number of hands and the name of each hand subject to road work, and the number of days each hand has worked, amount of all money collected and expended, and if there is a balance on hand it shall be turned over to his successor in office, to be paid out for work on said road; said report shall be sworn to before some officer authorized to administer oaths; said reports shall be examined by the commissioners' court, and if they be found correct shall be approved by said court; and as soon thereafter as practicable the said court shall appoint and commission road overseers for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his reports, as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or failing to comply with the law in any way concerning his duties as overseer, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten nor more than twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for the opening, widening, straightening or draining any road or part thereof, if the owner of said land cannot agree with the court as to the damages to be paid, the court may proceed to condemn the same in the same manner that a railroad can condemn land for right of way and the same proceedings may be had and the same rights shall exist to each party that would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. Each county commissioner when acting as road commissioner shall be entitled to two dollars per day for services actually performed, not to exceed fifty days in any one quarter, said per diem to be paid out of the road and bridge fund when the account shall have been approved by the commissioners' court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and said account shall specify the number of days' work actually performed by him, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner.

SEC. 14. In all cases where the cost of material and labor exceeds two hundred dollars, it shall be the duty of said court to construct, grade or otherwise improve any road or bridge by contract, the same to be advertised for as provided for by said commissioners' court.

SEC. 15. This act shall be taken notice of by all courts in the same manner as the General Laws of the State on the subject of roads and bridges, when not in conflict therewith; but in case of conflict this act shall control as to Lamar county, and all laws or parts of laws heretofore enacted providing a road law for Lamar and other counties are hereby repealed as to their application to Lamar county.

SEC. 16. That whereas, there now exists some doubt as to the true

status of the road law of Lamar county, it having been originally created by joint act with the counties of Dallas and Medina, which was subsequently amended, constitutes an emergency and an imperative necessity exists authorizing the suspension of the constitutional rule requiring that bills be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 89, nays 1; and passed the Senate by a two-thirds vote, yeas 25, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the second day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective May 14, 1899.

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## HILL, HUNT, JACKSON, BEE AND VICTORIA COUNTIES— AMENDMENT TO ROAD LAW.

S. B. No. 48.]

### CHAPTER XCII.

An Act to amend Chapter No. 134, Sections Nos. one (1), seven (7) and fifteen (15), of the General Laws of the Twenty-fourth Legislature, of an act to create a more efficient road system for Hill, Coke, Hunt, Jackson, Bee and Victoria counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts upon the public roads of said counties, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal laws in conflict with this act.

Section 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners' courts of Hill, Coke, Hunt, Jackson and Bee counties shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners' courts shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by said county, and it shall be their duty under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, the making or changing of roads and the building of bridges. Each of said commissioners shall, before entering upon the duties of their office, in addition to their regular bond as such county commissioners, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of their county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or by the commissioners' court, and that they will account for all money or property belonging to the county that

may come into their possession; provided, that with the consent of the commissioners' court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section, and such deputy road commissioners shall be entitled to the same compensation that is allowed county commissioners for same service; provided, that county commissioners shall not be allowed any compensation as road commissioner when a deputy road commissioner has been appointed.

Section 7. Any citizen of Hill, Coke, Hunt, Jackson and Bee counties liable for road duty who shall on or before the first day of January of each year pay to the county treasurer the sum of three dollars shall be exempt from road duty for such year beginning on the first day of January. The treasurer shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund, and shall keep a separate account for each road district from which it is received. The treasurer shall, on the third day of January, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sums as provided in this section.

Section 15. This act shall be taken notice of by all courts in the same manner as the general law of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges, when not in conflict therewith; but in case of conflict this act shall control as to the counties of Hill, Coke, Hunt, Jackson and Bee.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the fifth day of May, A. D. 1899, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

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## PER DIEM OF THE TWENTY-SIXTH LEGISLATURE.

H. B. No. 833.]

### CHAPTER XCIII.

An Act appropriating thirty thousand dollars, or so much thereof as may be necessary, to pay per diem of members, officers and employes of the Twenty-sixth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the money in the treasury, not otherwise appropriated, for the payment of per diem of members, officers and employes of the Twenty-sixth Legislature.

SEC. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

SEC. 3. Whereas, the Twenty-sixth Legislature is now in session, and public policy requires their payment; therefore, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 91, nays 5; and passed the Senate by a two-thirds vote, yeas 26, nays 0.]

Approved May 5, 1899.

Became effective May 5, 1899.

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### COLLIS P. HUNTINGTON—GRANTED CERTAIN RIGHTS FOR WHARVES AND DOCKS, ETC., AT GALVESTON.

S. B. No. 228.]

#### CHAPTER XCIV.

An Act ratifying and confirming an ordinance passed by the city council of the city of Galveston on the 4th day of February, 1899, entitled "An Ordinance abandoning, discontinuing and closing certain streets, avenues and alleys of the city of Galveston, and authorizing and empowering Collis P. Huntington, his heirs or assigns, perpetually to construct and maintain piers on the shore of Galveston Bay within the corporate limits of the city of Galveston upon certain specified conditions," and conditionally relinquishing any claim the State of Texas may have to part of the property therein described.

Whereas, the city council of the city of Galveston, on the fourth day of February, 1899, passed an ordinance reading as follows:

An ordinance abandoning, discontinuing and closing certain streets, avenues and alleys of the city of Galveston, and authorizing and empowering Collis P. Huntington, his heirs or assigns, perpetually, to construct and maintain piers on the shores of Galveston Bay within the corporate limits of the city of Galveston upon certain specified conditions.

Whereas, Collis P. Huntington has contracted for the purchase of the property hereinafter more particularly referred to, subject to the approval of the title by counsel; and,

Whereas, one of the conditions of such purchase is that when the city of Galveston shall have closed the streets, avenues and alleys, if any, northerly from Avenue B, in the city of Galveston, and lying between the westerly line of block 700 and its prolongation in a northerly direction, and the westerly line of block 710 and its prolongation in a northerly direction, and when through and by means of such acts of Congress, acts of the Legislature of the State of Texas, and ordinances and conveyances from the city of Galveston, if any, as may be requisite for the purpose, the right has been secured to the said C. P. Huntington, or his heirs or assigns, to construct piers as he or they may from time to time determine, northerly from said Avenue B, and from points between said westerly line of block 700 and said westerly line of block 710, to the harbor line of 1897, and to dredge between and on the sides of such piers and northerly and northeasterly therefrom and from said harbor line of 1897, so as to permit the securing of at least twenty-five feet of water at mean low water between and beside such piers, and

northerly and northeasterly therefrom, and so as to secure a connection by a continuous channel twenty-five feet in depth at mean low water from said piers to the Gulf of Mexico, and to permit steamers of at least five hundred feet in length and fifty feet beam, and drawing at least twenty-five feet of water, to conveniently go at mean low water from the waters of the Gulf of Mexico to and lie alongside said piers, then and in that event the said C. P. Huntington, his heirs or assigns, will within six months thereafter commence the construction of terminal facilities upon said property for the use of what are commonly called the Southern Pacific Railroad and Steamship Systems, and will, within two years thereafter, expend at least the sum of one hundred and fifty thousand dollars (\$150,000.00) in the construction of such piers and such dredging, and in the construction of depots and other terminal facilities for what are commonly called the Southern Pacific Railroad and Steamship Systems, their successors or assigns; and,

Whereas, no streets, avenues or alleys have ever been heretofore opened, constructed or utilized on or through the said property above referred to, and hereinafter more particularly described, and no streets, avenues or alleys have ever been heretofore laid out or designated or recognized by the city of Galveston, or the owners of property northerly of the north line of said blocks from 700 to 710, inclusive, but the said property or the greater part thereof is and has ever been under the waters of Galveston Bay; and,

Whereas, it is greatly to the interest of the city of Galveston and its inhabitants that the work and improvements contemplated by said C. P. Huntington and his assigns should be performed, and it is necessary to said work and improvements and to the proper utility of said property for such purposes, that there should be no streets, avenues or alleys opened through and across said property;

Now, therefore, be it ordained by the city council of the city of Galveston, as follows:

Section 1. That any or all streets, avenues or alleys, if any, heretofore opened, laid out, or in any manner designated upon, through or across the following described property in the city of Galveston, to wit:

Beginning at the southwesterly corner of block 710; thence along the westerly line of block 710 and the prolongation thereof in a straight line in a northerly direction 2860 feet, more or less, to the six feet contour in Galveston Bay; thence in an easterly direction along said contour to a point thereon where it would be intersected by the prolongation of the westerly line of block 700, if continued in a straight line; thence in a southerly direction along said prolongation thereof and the westerly line of block 700 to the southwesterly corner of said block 700; thence in a westerly direction along Avenue B, 3800 feet, more or less, to the place of beginning; the same including all of blocks 701 to 710, both inclusive, together with the lands and lands under water lying northerly of said Avenue B, between the westerly line of said block 700 and the prolongation thereof above mentioned, and the westerly line of said block 710 and the prolongation thereof above mentioned to the southerly boundary line of the six feet contour above referred to; and also upon, through or across the lands under water and property lying between the property above described and the harbor line of 1897, or

the harbor line as it may be changed from time to time, be and the same are each and all hereby perpetually abandoned, discontinued and closed.

Sec. 2. That said Collis P. Huntington, his heirs or assigns, be and they are hereby authorized, empowered and granted the right perpetually to construct and maintain piers as he or they may from time to time determine upon the property described by metes and bounds in the preceding section hereof, and upon the property lying and situated between the same and the harbor line of 1897, and to dredge between and on the sides of such piers and northerly and northeasterly therefrom and from said harbor line of 1897, so as to permit the securing of at least twenty-five feet of water at mean low water between and beside such piers, and northerly and northeasterly therefrom, and so as to secure a connection by a continuous channel twenty-five feet in depth at mean low water from said piers to the Gulf of Mexico, and to permit steamers of at least five hundred feet in length and fifty feet beam, and drawing at least twenty-five feet of water to conveniently go at mean low water from the waters of the Gulf of Mexico to and lie alongside of said piers, and to maintain the same; and to construct and maintain upon said property terminal facilities for the use of what are commonly called the Southern Pacific Railroad and Steamship Systems, their successors or assigns.

Sec. 3. The grant hereby made and all of the rights and privileges hereby conferred are subject to and upon the following conditions, viz:

First.—That the said C. P. Huntington, his heirs or assigns, shall, within six months from the ratification and approval of this ordinance and the confirmation of the grant made and the rights conferred by it by the Legislature of the State of Texas, and the passage of such acts of Congress, if any, as may be requisite for the purpose, commence the construction of terminal facilities upon the property hereinbefore referred to for the use of what are commonly called the Southern Pacific Railroad and Steamship Systems, and shall, within two years thereafter, expend at least the sum of one hundred and fifty thousand dollars (\$150,000.00) in the construction of such piers and such dredging, and in the construction of depots and other terminal facilities for what are commonly called the Southern Pacific Railroad and Steamship Systems, their successors or assigns.

Second.—That if the said C. P. Huntington, his heirs or assigns, shall charge wharfage for the use of such piers or other facilities upon said property, except in so far as the wharf service may be covered by the freight rate, all such wharfage shall be subject to the regulations of the Railroad Commission of Texas; but this shall not be so construed as to permit or allow any other person or corporation to use said property, or any portion thereof, without the consent of said C. P. Huntington, his heirs or assigns, owning the same at the time.

And, whereas, it is greatly to the interest of the public, that the property described in Section 1 of said ordinance should be developed for shipping and transportation purposes, and that the shipping facilities of the port of Galveston should be thereby improved and enlarged in order to better accommodate the commerce of the port and State, and to utilize, as far as practicable, the deep water at said port secured by the expenditure of large sums of money by the government of the United States.

Now, therefore,

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the ordinance passed by the city council of Galveston on the fourth day of February, 1899, entitled "An ordinance abandoning, discontinuing and closing certain streets, avenues and alleys of the city of Galveston, and authorizing and empowering Collis P. Huntington, his heirs or assigns, perpetually to construct and maintain piers on the shores of Galveston Bay within the corporate limits of the city of Galveston, upon certain specified conditions," be and the same is hereby in all things authorized, ratified, approved and confirmed, except in so far as the provisions of said ordinance may be in conflict with the provisions of this act, and the State of Texas hereby relinquishes unto the said Collis P. Huntington, his heirs or assigns, whatever title or claim, if any, it may have in or to any portion of the flats or lands under water described in Section 1 of said ordinance, subject, however, to each and all the conditions set forth or contained in section three of said ordinance as above recited, and all other conditions contained in any part of this act, and upon the further condition, that if the said C. P. Huntington, his heirs or assigns, shall charge wharfage for the use of such piers or other facilities upon said property, all such wharfage charges shall be subject to the regulation of the Railroad Commission of Texas; and thereupon, the said C. P. Huntington, his heirs, assigns or successors, shall make an annual report to the said Railroad Commission of Texas, in such manner and on such forms and under such rules and regulations and at such time as the Railroad Commission may prescribe; but this shall not be so construed as to permit or allow any other person or corporation to use said property, or any portion thereof, without the consent of said C. P. Huntington, his heirs or assigns, owning the same at the time, and upon the breach or violation of said conditions, or either of them, all the rights and powers hereby granted shall be revoked and shall revert to the State of Texas, and this act shall thereupon become and be null and void; provided further, that the system of railroad tracks that may be constructed by Collis P. Huntington, his heirs or assigns, on the property described and referred to in Section 1, of the above recited ordinance, shall connect with the track of any railroad company that may be built to the intersection of Forty-first street with the prolongation of Avenue A according to the map of the Galveston City Company; provided, that this shall not be construed as authorizing any person or corporation to use the tracks that may be constructed by the said Huntington, his heirs or assigns, on said property.

SEC. 2. The said Collis P. Huntington, his heirs or assigns, or the person, company, or corporation owning or controlling the above described property and all the improvements thereon situated, shall never consolidate said property or the stock or franchise of such corporation as may own or control the same with the stock or property of the Galveston Wharf Company, or any company or corporation succeeding to the rights of the said Galveston Wharf Company, nor shall the owner of said property enter into any agreement with the Galveston Wharf Company, its successors or assigns, or any other wharf company which may now exist, or which may be hereafter organized, by which the wharf or other terminal charges shall be regulated or fixed, and this inhibition upon the said Collis P. Huntington, his heirs or assigns, or the person, company or corporation owning or controlling the above described property and all

improvements thereon situated shall also apply to the property now owned by the Gulf, Colorado & Santa Fe Railway Company between Fourth and Tenth streets, as shown by the Galveston City Company's map of the said city of Galveston. Nor shall any person owning or holding any interest in the form of stock or otherwise, in the property hereinbefore described, own or hold any interest, in the form of stock or otherwise in the wharf or bay frontage between Fourth and Forty-first streets, as now shown by the Galveston City Company's map of the said city of Galveston, and all sales, conveyances and transfers of whatsoever character in violation of this section shall be null and void; the object of this section being to keep the control, ownership or management, direct or indirect, of the property hereinbefore described, and the control, ownership or management of the wharf or bay frontage between the said Fourth and Forty-first streets entirely distinct and independent of each other. And no charter formed for the use, operation and management of the property hereinbefore described, shall be granted unto the said Collis P. Huntington, or his assigns, unless this section be incorporated therein, and all certificates of stock that may be issued by the company formed for the use, operation or management of the property hereinbefore described shall also contain this section on the back thereof.

SEC. 3. That the near approach of the close of this session and the large amount of business remaining to be disposed of before the final adjournment, and the public benefit to be derived from the improvements contemplated by this act, create an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and a case of emergency that this act should take effect and be in force from its passage, and such rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by vote, yeas 19, nays 3; and was reported to the House of Representatives where it was amended and passed, vote not given; Senate concurred in House amendments, vote not given.]

Approved May 1, 1899.

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## TWENTY-NINTH JUDICIAL DISTRICT.

H. B. No. 762.]

### CHAPTER XCV.

An Act to amend Section 1 of an act passed by the Twenty-sixth Legislature of the State of Texas and which went into effect on the 22nd of March, 1899, entitled "An Act to amend Subdivision 29, of Article 22, Title 4, of the Revised Civil Statutes of the State of Texas, so as to change the times of holding the district court in the Twenty-ninth Judicial District, except in Coryell county, and to extend the time of holding the court in the county of Erath."

*Be it enacted by the Legislature of the State of Texas:*

That Section 1 of an act passed by the Twenty-sixth Legislature of the State of Texas, and which went into effect on the twenty-second day of March, 1899, entitled "An Act to amend Subdivision 29, of Article 22, Title 4, of the Revised Civil Statutes of the State of Texas, so as to change the times of holding the district court in the Twenty-ninth Judi-



cial District, except in Coryell county, and to extend the time of holding court in the county of Erath," be and the same is hereby amended so as to hereafter read as follows:

Section 1. That Subdivision 29, of Article 22, Title 4, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Subdivision 29. The Twenty-ninth Judicial District shall be composed of the counties of Palo Pinto, Hood, Somervell, Erath, Hamilton, Coryell, and the terms of the district court shall be begun and holden therein each year as follows:

In the county of Coryell, on the third Monday in January and July, and may continue in session five weeks.

In the county of Hamilton, on the fifth Monday after the third Monday in January and July, and may continue in session four weeks.

In the county of Somervell, on the ninth Monday after the third Monday in January and July, and may continue in session two weeks.

In the county of Erath, on the eleventh Monday after the third Monday in January and July, and may continue in session eight weeks.

In the county of Hood, on the nineteenth Monday after the third Monday in January and July, and may continue in session three weeks.

In the county of Palo Pinto, on the twenty-second Monday after the third Monday in January and July, and may continue in session three weeks.

SEC. 2. Whereas, under the act which took effect on March 22, 1899, as referred to in the caption of this act, there is a conflict in the time of holding the court in the counties of Hood and Palo Pinto, the term beginning in Palo Pinto county one week before the term ends in Hood county, and the near approach to the time for holding the terms of court in said counties, and the great inconvenience thereby imposed upon the judge of said judicial district, and the litigants having cases pending in said courts, renders it necessary and creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 87, nays 0; and passed the Senate by a two-thirds vote, yeas 21, nays 0.]

Approved May 9, 1899.

Became effective May 9, 1899.

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## FIFTY-FIRST AND THIRTY-THIRD JUDICIAL DISTRICTS.

H. B. No. 743.]

## CHAPTER XCVI.

An Act to name the several counties composing the Fifty-first and Thirty-third Judicial Disricts and to fix the times for nolding the district courts therein, and to attach the unorganized county of Schleicher to the county of Menard until its organization, and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Fifty-first Judicial District of this State shall be composed of the following counties: Crockett, Sutton, Schleicher, Irion, Coke, Sterling, Menard and Tom Green, and the terms of the district court shall be holden therein each year as follows:

In the county of Irion, on the first Mondays in September and February, and may continue in session two weeks.

In the county of Coke, on the third Mondays in September and February, and may continue in session three weeks.

In the county of Crockett, on the fifth Mondays after the first Mondays in September and February, and may continue in session two weeks.

In the county of Sutton, on the seventh Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Sterling, on the ninth Mondays after the first Mondays in September and February, and may continue in session two weeks.

In the county of Menard, on the eleventh Mondays after the first Mondays in September and February, and may continue in session two weeks.

In the county of Schleicher (when organized), on the twelfth Mondays after the first Mondays in September and February, and may continue in session one week.

In the county of Tom Green, on the thirteenth Mondays after the first Mondays in September and February, and may continue in session until the business is disposed of.

SEC. 2. The Thirty-third Judicial District shall be composed of the counties of Blanco, Gillespie, Mason, Kimble, San Saba and Llano, and the terms of the district court shall be holden therein each year as follows:

In the county of Blanco, on the first Mondays in February and September, and may continue in session two weeks.

In the county of Gillespie, on the third Mondays in February and September, and may continue in session two weeks.

In the county of Mason, on the fourth Mondays after the first Mondays in September and February, and may continue in session three weeks.

In the county of Kimble, on the seventh Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of San Saba, on the ninth Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Llano, on the twelfth Mondays after the first Mondays

in February and September, and may continue in session until the business is disposed of.

SEC. 3. That the unorganized county of Schleicher shall be attached to the county of Menard for judicial and surveying purposes.

SEC. 4. That the near approach of the close of the present session, and the large amount of business undisposed of, creates an emergency and an imperative public necessity that the rule be suspended requiring bills to be read on three several days, and the same is hereby suspended.

SEC. 5. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved May 9, 1899.

Takes effect 90 days after adjournment.

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### LUNATIC ASYLUM—LEASE OF SULPHUR WATER.

S. B. No. 218.]

#### CHAPTER XCVII.

An Act authorizing the board of managers of the Southwest Texas Lunatic Asylum, at San Antonio, Texas, in conjunction with the Governor of the State of Texas, to lease the sulphur water flowing from the artesian wells on the grounds belonging to said asylum.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the board of managers of the Southwest Texas Lunatic Asylum, situated at San Antonio, Texas, be and they are hereby authorized and empowered, in conjunction with the Governor of the State of Texas, to lease the surplus sulphur water, the amount of such surplus water to be determined by the board of managers, and to be stated in the lease, belonging to the State and flowing from the artesian wells on the grounds of said asylum, for a term not to exceed twenty-five years; provided, however, that the water shall not be leased to any person or persons unless such person or persons shall enter into bond, with two or more good and sufficient sureties, in the sum of ten thousand dollars, to be approved by the Governor, conditioned that such person or persons shall erect and construct upon the premises of such person or persons permanent improvements not less in value than the sum of twenty-five thousand dollars; said improvements to be adapted to the purposes of and to be used for a sanitarium and bathing establishment, and such improvements to be completed within one year from the date of said lease.

SEC. 2. Said board of managers, acting in conjunction with the Governor of the State, may lease the said water upon the best terms and for the best price obtainable, or it may solicit competitive bids, and in this event it may lease the water to the highest and best bidder; provided, however, that if competitive bids are solicited proper advertisement and notice of this fact shall be given in some daily newspaper published in the city of San Antonio for at least thirty days prior to the opening of said bids; and provided further, that the said board shall have the right and authority to reject any and all bids.

SEC. 3. The lease of said water shall be evidenced by a written contract, duly signed and acknowledged by the lessee, and on the part of the State the said lease shall be signed by the said board of managers, and

approved by the Governor of the State, and the said lease shall express all of the terms, conditions and agreements entered into between the parties, and no rights shall accrue to any person or bidder until the said contract of lease is executed as herein provided.

SEC. 4. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 5. The near approach of the close of the present session of this Legislature, and the importance of having the sulphur water flowing from the wells of this asylum utilized to the best interests and advantage of the State, create an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0; reported to the House, where it was amended, and passed by a two-thirds vote, yeas 91, nays 0; and reported back to the Senate; Senate concurred in House amendments by a two-thirds vote, yeas 26, nays 0.]

Approved May 9, 1899.

Became effective May 9, 1899.

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## COURTS OF CIVIL APPEALS—CERTIFYING QUESTIONS.

H. B. No. 618.]

### CHAPTER XCVIII.

An Act to define the powers and duties of the Courts of Civil Appeals of the several supreme judicial districts of the State of Texas, where there is, or may be, a conflict of opinion by any of the said Courts of Civil Appeals on a question of law involved in any cause pending before said courts; and prescribing the duties of the Supreme Court of the State of Texas in such cases.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That in any cause that is now pending or may hereafter be pending in any of the Courts of Civil Appeals of the several supreme judicial districts of the State of Texas, any one of said courts may arrive at an opinion in the decision of any of said causes that may be in conflict with the opinion heretofore rendered, or hereafter rendered, by some other Court of Civil Appeals in this State on any question of law, and said Court of Civil Appeals refuses to concur with the opinion so rendered by said other Court of Civil Appeals, it shall be the duty of said court failing to concur with the opinion in conflict with the opinion so arrived at by said court, through its clerk, to transmit the question of law, duly certified to, involved in the cause wherein said conflict of opinion has arisen, together with the record or transcript in said cause to the Supreme Court of the State of Texas for adjudication by said Supreme Court. When said record shall have been received by the clerk of the Supreme Court he shall docket the same, and the Supreme Court shall set such cause down for hearing at some future day, and the clerk of the Supreme Court shall at once notify the parties or their attorneys of record of such setting, and such case shall be set for a time sufficiently far in the future to give

such attorneys reasonable time to prepare briefs and arguments if they so desire.

SEC. 2. It shall be the duty of the Supreme Court, on receiving said record, together with said certified question of law, from the Court of Civil Appeals transmitting the same, to examine said record and said certified question of law, and render an opinion in said cause, as in other cases, which opinion, when so rendered by said Supreme Court, on the record and question of law presented therein, shall be final and shall be the law on the question involved, until said opinion shall have been overruled by the said Supreme Court, or abrogated by legislative enactment, and the Courts of Civil Appeals shall be governed thereby.

SEC. 3. The fact that conflicts of opinion on questions of law are now frequently occurring with the several Courts of Civil Appeals in this State, and it being necessary that all judicial opinions on questions of law should harmonize, and there should be no conflict in the same, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 107, nays 0; and passed the Senate by a two-thirds vote, yeas 21, nays 0.]

Approved May 9, 1899.

Became effective May 9, 1899.

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### THIRTY-NINTH JUDICIAL DISTRICT—TIME OF HOLDING COURT.

H. B. No. 775.]

#### CHAPTER XCIX.

An Act to change and fix the times for holding courts in the Thirty-ninth Judicial District of the State of Texas, and to repeal all laws or parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Thirty-ninth Judicial District of the State of Texas shall be composed of the following counties, to-wit: Fisher, Scurry, Kent, Stonewall, Haskell and Throckmorton, and the terms of the district court therein shall be held each year as follows:

In the county of Fisher, on the third Monday after the first Monday in February and August, and may continue in session for three weeks.

In the county of Scurry, on the sixth Monday after the first Monday in February and August, and may continue in session three weeks.

In the county of Kent, on the ninth Monday after the first Monday in February and August, and may continue in session two weeks.

In the county of Stonewall, on the eleventh Monday after the first Monday in February and August, and may continue in session three weeks.

In the county of Throckmorton, on the fourteenth Monday after the first Monday in February and August, and may continue in session two weeks.

In the county of Haskell, on the sixteenth Monday after the first Monday in February and August, and may continue in session four weeks.

SEC. 2. That process issued or served before this act goes into effect returnable to the district courts in said judicial district shall be considered returnable to said courts in accordance with the terms as prescribed by this act, and all such process is hereby legalized; and all grand and petit jurors drawn and selected under existing laws in any of the counties of said judicial district shall be considered lawfully drawn and selected for the next term of the district court of their respective counties held after this act takes effect, and all such process is hereby legalized and validated.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved May 9, 1899.

Takes effect 90 days after adjournment.

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### LUNATICS—APPREHENSION—AMENDMENT.

S. B. No. 32.]

#### CHAPTER C.

An Act to amend Article 128, Title 9, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the apprehension of lunatics.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 128, of the Revised Civil Statutes of the State of Texas, be amended so as to read hereafter as follows:

Article 128. If information in writing and under oath be given to any county judge that any person in his county is a lunatic or non compos mentis, and that the welfare of himself or of others requires that he be placed under restraint, and such county judge shall believe such information to be true, he shall forthwith issue his warrant for the apprehension of such person, or upon filing of such complaint before any justice of the peace, said justice of the peace may issue the warrant for the apprehension, returning said complaint and warrant to said county judge, and said county judge shall fix a day for the hearing and determining of the matter.

Approved May 9, 1899.

Takes effect 90 days after adjournment.

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### DEFRAUDING HOTELS AND BOARDING HOUSE KEEPERS.

S. B. No. 215.]

#### CHAPTER CI.

An Act defining the offense of defrauding hotel and boarding house keepers of their charges, and providing penalties therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That every person who shall obtain board or lodging in any hotel or boarding house by means of any trick or deception or false or fraudulent representations, or statement or pretense, and shall fail or refuse

to pay therefor, shall be held to have obtained the same with the intent to cheat and defraud such hotel or boarding house keeper, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment.

SEC. 2. It shall be the duty of every hotel and boarding house keeper in the State to post a printed copy of this act in a conspicuous place in each room of his or her hotel or boarding house, and no conviction shall be had under the foregoing section until it shall be made to appear to the satisfaction of the court that the provisions of this section have been substantially complied with by the hotel or boarding house keeper making the complaint.

Approved May 10, 1899.

Takes effect 90 days after adjournment.

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## AGRICULTURE AND STOCK-RAISING—POSTED LANDS.

S. S. B. No. 68.]

CHAPTER CII.

**An Act to promote agriculture and stock-raising and to prohibit the hunting with fire-arms or dogs upon the enclosed and posted lands of another in all counties within this State not specially named as exempt from the provisions of this act, and to provide a penalty therefor.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That it shall be unlawful for any person or persons knowingly to hunt with fire-arms or dogs upon the enclosed and posted lands of another without the consent of the owner thereof where such lands are in use as agricultural lands or for grazing purposes, having cattle, horses, sheep or goats herding or grazing thereon. By enclosed lands is meant any structure for fencing either of wood or iron, or a combination of wood and iron, or wood and wire, or partly enclosed by a fence of iron or wood, or wood and iron, or wood and wire, and partly by water or streams, canon, brush, or rock or bluffs, or any of the islands; provided, same are used for pasturage or cultivation as designated herein; provided, the State shall prove in the trial of any case under this act, before a conviction shall be had, that all the lands in said enclosure is owned or leased by the owner or proprietor of such enclosure; where such lands are subject to purchase or lease; provided, that proof of ownership or lease may be made by oral testimony.

SEC. 2. That any person who shall knowingly, without the consent of the owner or agent enter the enclosed and posted lands of another and shall, with fire-arms or dogs, hunt on such lands, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not more than two hundred dollars; providing further, that nothing in this act shall prohibit any bona fide traveler, while traveling along a public road in an enclosure, from killing game within a distance of four hundred yards on either side of said road.

SEC. 3. No person shall be liable to the penalty prescribed in the pre-

ceding article unless the owner or proprietor of such enclosure shall at each entrance thereto keep a notice in a conspicuous place, with the word "posted" plainly marked thereon, which shall constitute posting within the meaning of this act.

SEC. 4. Nothing in this act shall be construed to repeal the present law relating to enclosures of two thousand acres or less.

SEC. 5. Nothing in this act shall be held to authorize any person to hunt in any enclosure which is a farm, or in which are growing crops, without the consent of the owner or lessee of such enclosure.

SEC. 6. That the following counties be and the same are hereby exempted and the provisions of this act shall not have effect or be operative therein, nor in any thereof, viz.: Anderson, Angelina, Archer, Atascosa, Bastrop, Baylor, Bell, Blanco, Bosque, Bowie, Brazos, Brown, Burleson, Burnet, Caldwell, Callahan, Camp, Cass, Cherokee, Clay, Collin, Comal, Comanche, Cooke, Coleman, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Franklin, Freestone, Frio, Galveston, Gillespie, Gonzales, Guadalupe, Grayson, Gregg, Grimes, Hamilton, Harris, Hardin, Harrison, Hayes, Henderson, Hill, Hopkins, Houston, Hunt, Jack, Jasper, Johnson, Jones, Kaufman, Karnes, Knox, Lamar, Lampasas, Lee, Leon, Limestone, Llano, Madison, Marion, Mason, McLennan, McCulloch, Mills, Milam, Montague, Morris, Nacogdoches, Navarro, Newton, Orange, Palo Pinto, Panola, Parker, Polk, Rains, Red River, Robertson, Rusk, Rockwall, Sabine, San Augustine, San Saba, San Jacinto, Shelby, Smith, Somervell, Stephens, Tarrant, Taylor, Throckmorton, Titus, Travis, Trinity, Upshur, Van Zandt, Walker, Washington, Wilson, Williamson, Wilbarger, Wichita, Wise, Wood, Young.

SEC. 7. That the great importance of protection of agricultural lands and to the cattle and stock interests in certain portions of this State, and there being no law giving such adequate protection as this act provides, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by yeas 20, nays 4, and reported to the House, where it was amended and passed and reported back to Senate; Senate refused to concur in House amendments, and asked for Free Conference Committee. Free Conference Committee report adopted by Senate, no vote given. Report of Free Conference Committee adopted by House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the tenth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]



## SOUTHWEST TEXAS NORMAL SCHOOL.

S. B. No. 260.]

## CHAPTER CIII.

An Act to provide for the establishment, maintainance and government of a State normal school to be located at San Marcos, in Hays county, Texas, and to be known as the Southwest Texas Normal School.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That there shall be established at San Marcos, Hays county, Texas, and on the plot of ground containing about eleven acres, and known as Chautauqua Hill, a State Normal School, to be known as the Southwest Texas Normal School, provided the said city of San Marcos and the citizens thereof shall, without charge or cost to the State, and within sixty days after this act takes effect, convey, or cause to be conveyed unto the State of Texas, a good and perfect title in and to the aforesaid eleven acres of land known as the Chatauqua Hill, situated in said city of San Marcos, together with all buildings and improvements incident or appertaining thereto. The sufficiency of said conveyance to be passed upon and determined by the Governor and Attorney-General.

That the deed of conveyance aforesaid upon being approved by the Governor and Attorney-General, shall pass said property to the State, and thereafter the same shall be under the management and control of the State Board of Education for the purpose of establishing and maintaining the aforesaid Southwest Texas Normal School, which shall be done so soon as said State Board of Education shall deem it advisable, and suitable provisions are made to carry into effect this act.

The fact that there is now no normal school in southwest Texas, and persons preparing themselves for teachers are put to great and unnecessary expense in attending the Sam Houston Normal, thereby entailing a great and unnecessary hardship upon the public school system in the southwest part of the State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, by vote, yeas 15, nays 11; and reported to the House, where it was amended and passed, vote not given. Senate concurred in House amendments, vote not given.]

Approved May 10, 1899.

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GENERAL LAND OFFICE—PUBLIC LANDS—DEPREDACTION.  
RECOVERY OF DAMAGES FOR.

H. C. S. for S. B. No. 222.] CHAPTER CIV.

An Act to authorize the Commissioner of the General Land Office, with the consent and approval of the Governor, to appoint two State land agents, prescribing their duty, fixing their salaries, making an appropriation therefor; providing for the recovery for the depredation upon timber and for the use or occupancy without lawful authority, and to prevent the free use and unlawful enclosure of any of the public lands owned or held in trust by the State for any purpose whatever, and creating an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Commissioner of the General Land Office, with the consent and approval of the Governor, shall appoint two State land agents, who shall hold their office at the pleasure of the Governor and Commissioner, and receive a salary of thirteen hundred dollars each per annum.

Such agents shall have the power, and it is made their duty to investigate and make inquiries into and concerning the location, valuation and condition of any and all lands controlled or owned by the State; also concerning the free use, occupancy or enclosure of any of said lands without authority of law, and all depredations upon timber of said lands. They shall also procure and furnish information as to location and quality of such lands to all persons desiring to purchase or lease same.

Such agents shall make monthly reports to the Commissioner or Governor touching any and all matters investigated by them, and make such other reports and perform such other duties relating to such lands as may be required of them by the Commissioner and Governor.

For the purpose of this act such agents shall have authority to administer oaths. In addition to the salary of such agents they shall be allowed their actual traveling expenses, not to exceed the sum of one thousand and five hundred dollars per annum for the expenses incurred by both of such agents, the same to be allowed only upon the duly sworn itemized statement that said sum was actually paid and necessary to the discharge of their duties.

For the purpose of carrying into effect this act for the next two years, there is hereby appropriated the sum of eighty-two hundred dollars, or so much thereof as may be necessary, out of any money in the State treasury not otherwise appropriated.

SEC. 2. When said agents shall have reported that any public free school, asylum or other public lands is or has been used or occupied or enclosed without authority of law, or that any timbered land belonging to any of said fund has been or is being destroyed, or depredated upon to the injury of such land, or the detriment of such fund, the Governor shall investigate same, and in his discretion direct that suit be instituted for the recovery of such sums as may appear to be proper under this act, and investigate same, and in his discretion direct that suit be instituted for the recovery of such sums as may appear to be proper under this act, and Article 4218x, Revised Civil Statutes of 1895, or he may transmit such documents as he may deem proper to the proper officer or court for the purpose of criminal proceeding, as provided for in Articles 505, 506, 507, 508, 509, 509b, Penal Code, Revised Statutes, 1895, and neither of said remedies

shall be exclusive of the other, but the one shall be cumulative of the other, and the State may use either or both remedies; provided, that this shall not repeal any pre-existing criminal law.

In civil suits the amount of damage for use or occupancy, or unlawful enclosure shall be not less than five cents per acre per annum.

All recoveries under this act for said articles shall be paid into the State treasury for the benefit of the available school fund, or to the fund to which such land upon which such recovery is had, may belong. For the purpose of recovery herein the State shall not be required to prove a continuous daily use or occupancy or herding or line riding by the defendant, or any one for him; provided, that if any person who is so unlawfully using any of said lands will either buy or lease same, and pay the arrears due thereon, no action shall be begun or continued against him. This action shall apply to individuals or corporations.

SEC. 3. The fact that millions of acres of public grass lands are now being used without authority of law, and that valuable timber on thousands of acres of free school timber land is being depredated upon and destroyed to the great loss and detriment to the funds mentioned in this act, and there being no law authorizing any one to look after this important matter, and the near approach of the close of the present session of the present Legislature creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by a two-thirds vote, yeas 21, nays 0.]

Approved May 10, 1899.

## RAILWAY CORPORATIONS—GENERAL OFFICES.

S. S. B. No. 119.]

CHAPTER CV.

An Act to amend Article 4368, Chapter 3, Title 94, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railway companies with respect to their general and public offices, and the residence of their officers, to be kept and maintained within this State.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 4368, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 4368. It shall be the duty of said railroad company to keep and maintain at the place within this State where its said general offices are located, the office of its president or vice-president, also the office of its secretary, treasurer, local treasurer, auditor, general freight agent, traffic manager, general manager, general superintendent, general passenger and ticket agent, chief engineer, superintendent of motive power and machinery, master mechanic, master of transportation, fuel agent, general claim agent, and each and every one of its general offices shall be so kept and maintained, by whatsoever name it is known, and the persons who perform the duties of said general offices, by whatever name known, shall

keep and maintain their offices at the place where the said general offices are required to be located and maintained, and the persons holding said general offices of a railroad shall reside at the place and keep and maintain their offices at the place where the general offices of said railroad are required by law to be kept and maintained, and if the duties of any of the above named offices are performed by any person, but his position is called by a different name, it is hereby made the duty of the said railroad company to have and maintain said offices at the place where its general Texas officers are kept and maintained, as required by this chapter; provided, that if the judgment of the court shall be to forfeit the charter, then it shall allow the railroad company six months from the date of the judgment within which to comply with the requirements of this chapter, and if said railroad company shall comply with the said time no forfeiture shall occur, but if the railroad company shall not comply then the judgment shall be final, the object and meaning of this statute being to require every railroad company owning or operating a line of railway within this State to keep and maintain its general offices within this State at such place as required herein, and the name of the general offices shall not be understood to allow the railroad company to have any of the offices usually known as general offices at any other place than the one it is required to keep its general offices at, and each and every railroad is hereby required to have and maintain its general offices at the place named herein; provided further, that where the principal shops of any company are situated on its line in the State, at a place other than the place where its general offices are located, the superintendent of motive power and machinery, master mechanic, either or both, may have his office and residence at such place where such principal shops are located; and provided further, that the Railroad Commission of Texas, where it is made to appear that any officer, other than the general officers of any company can more conveniently perform his duties by residing at some place on the line in Texas other than the place where the general offices are situated, may by an order entered on its record, authorize any such officer to so reside and keep his office at such place.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. The crowded condition of the calendar rendering it improbable that this bill can be read on three several days, and the importance of this bill creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and reported to the House where it was amended and passed by a two-thirds vote yeas 89, nays 3; and reported back to the Senate, Senate concurred in House amendment, no vote given.]

Approved May 10, 1899.

## MONTAGUE, RED RIVER AND WICHITA COUNTIES—ROAD SYSTEM.

H. B. No. 679.]

CHAPTER CVI.

An Act to amend Chapter 65, of the Acts of the Twenty-fifth Legislature, being "An Act to create a more efficient road system for Montague, Red River and Wichita counties, in the State of Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of the commissioners' courts of said counties, and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act."

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners' court of Montague, Red River and Wichita counties shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners' courts shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by said courts, and it shall be their duty, under such rules and regulations as the commissioners courts may prescribe, to superintend the laying of new roads, the making or changing of roads, and the building of bridges. Each of said commissioners shall, before entering upon the duties of said office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judges of said counties for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners' courts, and that he will account for all money or property belonging to the county that may come into his possession; provided, that with the consent of a commissioners' court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section, and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioners when a deputy road commissioner has been appointed.

SEC. 2. The commissioners' courts of said counties shall have full power and authority, and it shall be their duty to adopt such system for working, laying out, draining and repairing the public roads in such counties as they may deem best, and from time to time said courts may change their plans or system of working. Said commissioners' courts shall have power to purchase such teams, tools and machinery as may be necessary for the working of their roads. Said courts shall have the power to construct, grade or otherwise improve any road or bridge by contract. In such case said courts or the county judges, may advertise in such manner as said courts may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judges of said counties for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said courts, and in such sum as said courts may determine, for the faithful compliance with the terms of said contract, but said

courts shall have the right to reject any and all bids. At the time of making any such contract the courts shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of said funds, and the same shall not be used for any other purpose and can only be paid out on the order of said courts, and the said courts shall have authority to employ any hands or teams to work on the roads under such regulations and for such prices as they may deem best.

SEC. 3. The commissioners courts of said counties shall require all county convicts not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents, on his fine first, and then on the cost, for each day he may labor. The commissioners' courts may, at a regular term, allow to the officers and witnesses such amount of their costs for the arrest and conviction of said convicts as it may deem best; provided, that it shall not allow to any officer any amount greater than the following:

County judge \$3.00; county attorney \$5.00, including commissions; county clerks and justices of the peace \$1.70; sheriffs or constables \$2.00, which amount shall be paid to the officer out of the road and bridge fund, on the warrant of the county judge when such fine and costs shall have been worked out, as provided in this section; provided, that this shall not be so construed as to relieve any convict from the payment of all costs for which he will be liable under the General Laws of this State. The commissioners courts may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior; provided, that such commutation shall in no case exceed one-tenth of the whole time. The commissioners courts may provide the necessary houses, prisons, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners' court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer for the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any team, tools, or machinery belonging to said county shall be liable for all damages that may occur to the same while in his possession. It shall be the duty of the road overseer when he has finished work on his road to return to said commissioner all teams, tools and machinery received from him, and take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner, when acting as road commissioner, to inform himself of the condition of the public roads in his district, and shall determine what character of work shall be done on said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 6. The commissioners may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding

five days in any one year, unless the term of service as prescribed by the General Laws shall be extended beyond that time; and provided, that all road hands in a particular district shall, as far as practicable, be worked a uniform time. Each road overseer shall have full control of all road hands in his road district, and he shall see that each hand when called out shall perform a good day's work, and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners' court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and one-half per day for the time so served.

SEC. 7. Any citizen of Montague, Red River or Wichita counties, liable for road duty who shall, on or before the first day of January of any year, pay to the county treasurer the sum of three dollars shall be exempt from road duty for such year, beginning on the first day of January. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund, and he shall keep a separate account for each road district from which it is received. The treasurer shall, on the third day of January or as soon thereafter as practicable, furnish to the county commissioners a list of all persons in their respective districts who have paid said sums, as provided in this section.

SEC. 8. Each county commissioner when acting as road commissioner, and performing the duties imposed on him by law or by the commissioners' court, shall be entitled to two dollars per day for the services actually performed; provided, he shall not receive more than forty-five dollars per quarter, when the road and bridge tax has not been levied according to law, under the amendment of 1889, as adopted in 1890, to the Constitution of the State of Texas, and when said tax shall have been levied he may receive an amount not to exceed ninety dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners' court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days work actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner.

SEC. 9. This act shall be cumulative of all general laws on this subject, and be taken notice of by all courts in the same manner as the General Laws of the State on the subject of roads and bridges, when not in conflict therewith; but in case of conflict this act shall control as to Montague, Red River and Wichita counties, and all laws conflicting herewith are hereby repealed.

SEC. 10. The fact that there is now no sufficient general road law in force in this State, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 0; and passed the Senate by a two-thirds vote, yeas 22, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the eleventh day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect May 24, 1899.

## CONFEDERATE PENSION LAW.

### CHAPTER CVII.

S. H. B. Nos. 160, 501 and 574.]

An Act to carry into effect the amendment to the Constitution of the State of Texas, providing that aid may be granted to disabled and dependent Confederate soldiers, sailors and their widows, under certain conditions, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That hereafter there shall be paid an annual pension of eight dollars per month, the same to be paid quarterly, on the first days of October, January, April and July of each year, to every surviving disabled and indigent Confederate soldier or sailor who is a native of this State, or who came to Texas prior to January 1, 1880, and who is either over sixty years of age or whose disability is the approximate result of the actual service in the Confederate army or navy for a period of at least three months; their widows in indigent circumstances, who have never remarried and who have been bona fide residents of the State of Texas since March 1, 1880, and who were married to such soldiers or sailors anterior to March 1, 1866; provided, that said aid shall not exceed eight dollars per month; and provided further, that in the event the appropriation made by the State Legislature for any one year shall prove insufficient to pay in full said pensions, that thereby shall not be created a deficiency outstanding as a valid claim against the State of Texas, and each pensioner shall only receive his pro rata according to the amount appropriated for that year.

SEC. 2. Each applicant for a pension under this law shall make application in writing and under oath for the same to the county judge of the county of his or her residence. Such application shall state the name, age and residence of the applicant, and his or her occupation, if able to engage in one; his or her physical condition, as well as the company and regiment in which he enlisted in the Confederate army, or where he served in the Confederate navy, and time of service in each case; whether or not the applicant received any pension or veteran donation land certificate under any previous law; a list of the real and personal property owned by the applicant, and the present value of the same, and what property and the value thereof that such applicant has sold or conveyed within two years prior to the date of such application; or what income he receives, if any; and shall further state that the applicant is in indigent circumstances, and is not able, by his or her labor, to earn a support; provided, that the word "indigent," within the meaning of this law, shall be construed to mean one who is in actual want and destitute of property and means of



subsistence; and that the applicant has not transferred to others any property of value of any kind, for the purpose of becoming a beneficiary under this law, and that such applicant never deserted the Confederacy, but it shall not be necessary to produce a certificate of discharge in order to receive a pension under this act; and still further, that such applicant is and has been continuously, since the 1st day of January, 1880, a bona fide resident citizen of this State, or that he originally enlisted in the Confederate service from the State of Texas, and was at the date of the passage of this act a bona fide resident citizen of the State of Texas, and in addition to the foregoing, each male applicant shall further state the time he rendered such service and the command he served in. He shall furnish the testimony of at least two credible witnesses who personally know that he enlisted in the service and performed the duties of a soldier or sailor as claimed by him, and that he is unable to support himself by labor of any sort; he shall also furnish proof by a reputable physician of his county, showing his precise physical condition and inability to labor at any work or calling sufficient to earn a support for himself, and if he is not sixty years old, when, where and how said disability occurred; said proof to be made before the county judge of the county of the residence of the witnesses. The papers in the case as made by the county judge shall be submitted to the county commissioners of his county at a regular term of their court, and shall be approved by them, and they are hereby authorized to summon and examine witnesses outside of those examined by the county judge as above provided for, if in their judgment any fact materially affecting the applicant's statements are not clearly set out and proven. It shall be the duty of the county judge and of the commissioners' court to take down the evidence in writing of all witnesses examined by them, or either of them, which shall be done under the direction of the county judge when taken before him, and under the direction of the commissioners when taken before them, which shall be paid for by the applicant at the rate of five cents per one hundred words; provided, that the applicant is authorized to have such evidence taken down by his attorney, or by such other person as he may employ under the contract of employment to secure his pension; and provided, that no greater fee than hereinafter provided shall be charged by such attorney or representative of such applicant; and the county judge shall certify to the written statement of the evidence when taken before him, and the commissioners shall certify to the same when taken before them. The application, affidavit and certified statement of the evidence, after the same have been approved by the county judge and by the commissioners' court shall be forwarded to the Comptroller of Public Accounts of the State of Texas. It shall be the duty of such Comptroller to appoint a competent person, who shall be an ex-Confederate soldier or sailor, and who shall be designated as Pension Clerk, and who shall enter upon his duties immediately after such appointment and the passage of this act, and shall take charge of accounts and matters pertaining to this act, and shall keep a list of the applications for pensions, sent to the Comptroller, and who shall, with and under the direction of the Comptroller, examine all applications for pensions carefully and thoroughly, and shall see that such applications are made in strict compliance with the provisions of this act, and such pension clerk, with and under the direction of the Comptroller, shall pass upon the validity of such claims. Each female

applicant shall state the name of her deceased husband, the date of her marriage, and the date of his death; that she is unmarried, and has so remained since the death of her husband, for whose services she claims a pension; and shall further state, as accurately as she can, the time her said deceased husband rendered such service, and the command he served in, and any other accessible evidence that may prove or disprove the right of the applicant to claim a pension; and the county judge may require other proof of the statements made in such application, and if, in his opinion, the applicant has not established his or her legal right to a pension, then he shall refuse said application, and file reasons therefor in his office.

SEC. 3. No widow shall be entitled to a pension should her husband, if living, be debarred by reason of his inability to comply with the requisites prescribed in this act, as to his service in the Confederate army or navy; provided, no pension shall ever be granted to any soldier or sailor who ever deserted the Confederate cause, or to such deserter's widow.

SEC. 4. The Comptroller shall draw his warrant for the amount of such pension on the Treasurer, and upon presentation the Treasurer shall pay the same out of any money in the treasury which may be appropriated for this purpose.

SEC. 5. The Comptroller of this State shall cause to be prepared and furnished to the county judges of this State, necessary blank applications for the use of applicants for the benefits of this act.

SEC. 6. The Comptroller is hereby vested with power and authority after the examination with the pension clerk, to approve or reject the application of any applicant for a pension, as to him appears advisable, and if approved he shall issue his warrant as provided for in Section 1 of this act.

SEC. 7. On and after the first of each quarter the pensioner shall make his affidavit, stating the county of his residence and postoffice address, and that he is the identical person to whom a pension has been granted under this law, and that the conditions which existed at the time of making his application and on which the pension was originally granted still exist, which affidavit shall be supported by the affidavit of some other credible person to the same fact, and which affidavit may be made before any one authorized to administer oaths, which affidavit shall be filed with the Comptroller, and upon the filing of the same the Comptroller shall draw his warrant for the quarter found to be due.

SEC. 8. It shall be the duty of the district judges of this State to specially charge the grand jury at every session to investigate violations of this law.

SEC. 9. No person shall receive a greater fee than five dollars to procure a pension for another, and any contract for a larger sum shall not be enforced by the courts.

SEC. 10. A county judge shall be allowed a fee of two dollars for hearing an application and taking proof therein, said fee to be paid by the applicant, and before hearing of application is had thereon; provided, that all fees received by such county judge shall be reported as other fees of office, and be otherwise controlled by the law as it now exists, regulating the fees of county judges; and provided further, that said fee of two dollars shall be the only fee allowed to the county judge for all the work performed by him in obtaining a pension.

SEC. 11. It shall be the duty of the Comptroller, at least once in each year, to forward to the county judges a printed list of the pensioners in their respective counties, which list shall be posted in a conspicuous place in the office of said judge. It shall also be the duty of the Comptroller, on the application of the grand jury, to forward to the district clerk of the county in which the grand jury is convened, copies of any or all original papers on file in his office connected with an application for a pension, which said grand jury may desire to investigate, and such copies, with their correctness attested by the Comptroller, shall have the same force and value in law that the original papers would have had.

SEC. 12. No person shall, while an inmate of the Texas Confederate Home, nor shall any person while confined in any of the asylums of this State at the expense of the State, or confined in the State penitentiary to satisfy a judgment of conviction, receive a pension under this act, and any person having been granted a pension under the provisions of this act and afterward becomes an inmate of said Home, shall, while such inmate, forfeit his pension, it being intended that no person shall at the same time receive benefits from both sources; and no person, while a resident of any other State or Territory, shall draw a pension under this act.

SEC. 13. That for the year beginning October 1, 1899, and ending September 30, 1900, there is appropriated the sum of one hundred thousand dollars for the purposes designated in this bill, and that for the year beginning October 1, 1900, and ending September 30, 1901, that there be appropriated the further sum of one hundred and fifty thousand dollars, the said sums to be paid out of any funds belonging to the general revenue in the State treasury not otherwise appropriated; provided, that on the first day of October, 1899, and on the first days of April and October of each succeeding year, the Comptroller of Public Accounts shall pro rate the amounts appropriated for each year among the pensioners, whose claims to pensions have been established and filed with the Comptroller under the provisions of this act, and the Comptroller shall issue his warrant for the amount due each pensioner. All pensions shall begin on the first day of October and April after the filing and establishment of the applications herein provided for.

SEC. 14. The near approach of the close of the session, the large number of bills on the calendar, and the fact that there are a large number of disabled and dependent Confederate soldiers in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; passed the Senate with amendments, by a two-thirds vote, yeas 21, nays 0; House concurred in Senate amendments by a two-thirds vote, yeas 100, nays 6.]

Approved May 12, 1899.

## TAXES—COLLECTION IN INDEPENDENT SCHOOL DISTRICTS.

H. B. No. 720.]

CHAPTER CVIII.

An Act to amend Article 4002, Chapter 15, Title 86, of the Revised Civil Statutes 1895, with reference to collection of taxes in independent school districts incorporated for free school purposes only.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 4002, Chapter 15, Title LXXXVI, Revised Civil Statutes, 1895, be amended to hereafter read as follows:

Article 4002. The assessor and collector of taxes shall have the same power and shall perform the same duties with reference to the assessment and collection of taxes for free school purposes that are conferred by law upon the marshal of incorporated towns and villages, and he shall receive such compensation for his services as the board of trustees may allow, not to exceed four per cent. of the whole amount of taxes received, and he shall give bond for the faithful performance of his duties in such amount as may be prescribed by the board of trustees; provided, that in the enforced collection of taxes the board of trustees shall perform the duties which now devolve in such cases upon the city council of an incorporated city or town; the president of the board of trustees shall perform the duties which in such cases devolve upon the mayor of an incorporated city or town, and the county attorney of the county in which the independent district is located shall perform the duties which in such cases devolve upon the city attorney of an incorporated city or town, under the provisions of Chapter 103, General Laws, Regular Session Twenty-fifth Legislature.

SEC. 2. The fact that the present law does not provide means for the collection of delinquent taxes in towns and villages incorporated for school purposes only, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 1; and passed the Senate, vote, yeas 19, nays 2.]

Approved May 12, 1899.

Takes effect May 12, 1899.

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## ST. LOUIS SOUTHWESTERN RAILWAY COMPANY—CONSOLIDATION.

S. B. No. 334.]

CHAPTER CIX.

An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate a railway extending from a point in or near the town of Tyler, in Smith county, to a point in or near the town of Lufkin, in Angelina county, with its franchises and appurtenances, known as the Tyler Southeastern Railway; and to authorize the Tyler Southeastern Railway Company and the owners thereof to sell the same; and to authorize the St. Louis Southwestern Railway Company of Texas to assume the payment of the indebtedness of the Tyler Southeastern Railway Company, and to own and operate the property so purchased.

Whereas, the outstanding stock of the Tyler Southeastern Railway Company amounts to \$250,000, and its outstanding bonded indebtedness amounts to \$990,000, besides which it owes a large amount of floating indebtedness, and is unable to pay its fixed charges and operating expenses; and,

Whereas, it was promoted by and its stock is now owned by the same parties that own the stock of the St. Louis Southwestern Railway Company of Texas, and has been so owned since its organization; and,

Whereas, the St. Louis Southwestern Railway Company of Texas is desirous of purchasing the properties of the said Tyler Southeastern Railway Company, and is willing to take up its outstanding stock, and is willing to assume the payment of its outstanding bonded indebtedness in accordance thereof, and to assume the payment of its floating indebtedness; and,

Whereas, the said St. Louis Southwestern Railway Company of Texas is desirous of reaching to or as near to gulf ports as possible with its own rails, so as to better accommodate its patrons in the interior of the State, and so as to better facilitate and cheapen the handling of its traffic; now, therefore,

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the St. Louis Southwestern Railway Company of Texas be and it is hereby authorized to acquire, purchase and to own and operate the railroad commonly known as the Tyler Southeastern Railway, extending from a point in or near the town of Tyler, in Smith county, via Jacksonville and Rusk, to a point in or near the town of Lufkin, in Angelina county, with its franchises and appurtenances, and the Tyler Southeastern Railway Company and the owners of said railway and its franchises, properties and appurtenances, are hereby authorized and empowered to sell the same to the said St. Louis Southwestern Railway Company of Texas, and to make proper conveyances thereof, and power is hereby conferred upon each and both of said railway companies to make all necessary contracts and conveyances to accomplish such sale and purchase.

SEC. 2. In case said Tyler Southeastern Railway, with its franchises, property and appurtenances are purchased by the said St. Louis Southwestern Railway Company of Texas, the said latter company is hereby empowered and authorized to and shall assume the payment of all and

singular the bonded indebtedness now existing against the said Tyler Southeastern Railway in accordance with the terms thereof, and to take up and acquire the outstanding stock of said Tyler Southeastern Railway Company and to pay the unsecured indebtedness thereof whether arising from tort, contract or otherwise, and said contract of purchase and sale shall be made subject to the approval of the Railroad Commission of Texas.

SEC. 3. That this act shall not become binding nor shall any such purchase be valid until approved by the assent of the holders of at least two-thirds of the outstanding capital stock of said Tyler Southeastern Railway Company given in writing or at a meeting of the stockholders of said railway company, and upon the filing with the Railroad Commission and with the Secretary of State, any such assent in writing or a certified copy of the record of the proceedings of such corporate meeting, together with a certificate from the secretary of said railway company that such assent in writing has been executed or the approval of such purchase at such meeting was assented to by the holders of at least two-thirds of the outstanding capital stock of said railway company.

SEC. 4. That all and singular, the railway and its franchises, property and appurtenances so sold shall be bound and liable upon and after any such sale, for the debts of the said Tyler Southeastern Railway Company to the same extent that it is now bound or liable, and no debts or claims against said railway company, its franchises, property and appurtenances so sold, whether arising from contract or from tort, or otherwise, shall be in any way affected or impaired by such sale, and any claim, suit or action of any character whatsoever, by or against said railway company so sold, before such sale thereof, shall or may be prosecuted after any such sale in the same manner and to the same effect, and enforced in the same way as if no such sale had been effected, and the St. Louis Southwestern Railway Company of Texas shall be liable for all the indebtedness of the Tyler Southeastern Railway Company of every kind whatsoever.

SEC. 5. That the properties so purchased by the said St. Louis Southwestern Railway Company of Texas from the said Tyler Southeastern Railway Company shall in no wise be liable for any of the existing bonded indebtedness of the St. Louis Southwestern Railway Company of Texas secured by mortgages of the latter company notwithstanding any provision in said mortgages that the same shall apply to after acquired property or to property acquired by the said St. Louis Southwestern Railway Company of Texas. Nor shall the said property so purchased be liable for any of the existing indebtedness of the said St. Louis Southwestern Railway Company of Texas, of any character whatsoever.

SEC. 6. That after any such purchase the said St. Louis Southwestern Railway Company of Texas shall embrace such railway property and appurtenances by it with the line of railway now owned by it and shall operate the same as a part of its line under its own charter as it now exists, and shall include the operation thereof in the reports required to be made to the Railroad Commission of Texas, or to any other officer or department of the State of Texas by railroad companies and persons operating railroads, and the former owners of such railway so sold shall not be required to make reports in respect thereto. And said St. Louis Southwestern Railway Company of Texas shall have the right by amendment of its charter made under the General Laws of this State to extend

and construct branches of the said line of railway so acquired or an extension thereof, and in the event of an extension of said line of railway, the said St. Louis Southwestern Railway Company of Texas may, subject to the approval of the Railroad Commission of Texas, exchange its bonds for the outstanding bonds of the said Tyler Southeastern Railway Company, but in the event of such exchange the bonds of the said Tyler Southeastern Railway Company shall be cancelled and extinguished.

SEC. 7. The courts within this State are required to take judicial notice of this act and of the powers and privileges herein granted in like manner as if the same were a general law. By accepting the provisions of this act the St. Louis Southwestern Railway Company of Texas agrees to abide by the rates, rules and regulations of the Railroad Commission of the State of Texas, until the same are set aside by a court of competent jurisdiction on final hearing. This act shall not be conclusive of the rights of the State as to any question of law or fact necessary or presumed to have been determined by the Legislature in order to comply with Article 10, Sections 5 and 6 of the Constitution of the State of Texas.

SEC. 8. That the near approach of the close of this session and the large amount of business remaining to be disposed of before final adjournment creates an imperative public necessity and emergency, which authorizes the suspension of the rule requiring bills to be read on three several days, and such rule is hereby suspended.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the tenth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

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## B. F. GHOLSON AND J. W. BENSON AUTHORIZED TO SUE STATE.

H. B. No. 808.]

### CHAPTER CX.

An Act to amend Section 1 of an act granting permission to B. F. Gholson and J. W. Benson, or their assigns, to bring suit against the State of Texas in the District Court of Lampasas county, to ascertain the amount, if any, due them for services rendered the State of Texas as rangers or soldiers, passed on the 13th day of March, 1899, and became a law on the 24th day of March, 1899.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 1 of an act of the Twenty-sixth Legislature of the State of Texas, entitled "An Act granting permission to B. F. Gholson and J. W. Benson, or their assigns, to bring suit against the State of Texas, in the district court of Lampasas county, to ascertain the amount, if any, due them for services rendered the State as rangers or soldiers," passed March 13, 1899, and became a law March 24, 1899, be amended so that the same shall read as follows:

SECTION 1. That B. F. Gholson and J. W. Benson, or their assigns, are hereby granted permission to bring suit against the State of Texas in any court of Lampasas county having jurisdiction of the amount sued

for, to ascertain and fix the amount, if any, the State is indebted to the said B. F. Gholson and J. W. Benson respectively, for military services rendered on the frontier of Texas between the years 1857 and 1862.

SEC. 2. The crowded condition of the calendar and the impoverished condition of the parties asking this permission, creates an emergency necessary for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act shall take effect and shall be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 99, nays 0; and passed the Senate by a two-thirds vote, yeas 21, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twelfth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect May 25, 1899.

## SUBMISSION ON SPECIAL ISSUES.

S. B. No. 8.]

### CHAPTER CXI.

An Act to amend Article 1333, of the Revised Civil Statutes of the State of Texas, adopted in 1895, relating to the submission of special issues to the jury.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 1333, of the Revised Civil Statutes of the State of Texas, adopted in 1895, be amended so as to read as follows:

Article 1333. The jury shall render a general or special verdict as may be directed by the court, and the verdict shall comprehend the whole issue or all the issues submitted to them, and upon a trial by the court the judge shall, at the request of either of the parties, also state in writing the conclusions of facts found by him separately from the conclusions of law, which conclusions of fact and law shall be filed with the clerk and shall constitute a part of the record; and in all cases where a special verdict of the jury is rendered or the conclusions of fact found by the judge are separately stated the court shall, unless the same be set aside and a new trial granted, render judgment thereon, and it shall be sufficient for the party excepting to the conclusions of law or judgment of the court to cause it to be noted on the record in the judgment entry that he excepts thereto, and such party may thereupon take his appeal or writ of error without a statement of facts or further exceptions in the transcript, but the transcript shall in such case contain the special verdict or conclusions of fact and law aforesaid and the judgment rendered thereon; provided, that a case shall not be submitted to a jury on special issues by the court unless one or all parties to the suit request such submission.

SEC. 2. The fact that Article 1333, of the Revised Civil Statutes of



Texas was improperly changed in the codification adopted in 1895 creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this act take effect and be in force from and after its passage.

NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 23, nays 0, and reported to the House where it was amended and passed by a two-thirds vote, yeas 88, nays 4, and reported back to Senate; Senate concurred in House amendments by a two-thirds vote, yeas 21, nays 2.]

Approved May 12, 1899.

Became effective May 12, 1899.

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### BEXAR COUNTY COURT—AMENDMENT.

H. B. No. 740.]

#### CHAPTER CXII.

An Act to amend Sections 2 and 5 of an act passed by the Twenty-sixth Legislature of the State of Texas, approved March 6, 1899, and entitled "An Act to restore and confer upon the County Court of Bexar county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act," and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Sections 2 and 5 of an act passed by the Twenty-sixth Legislature of Texas, approved March 6, 1899, and entitled "An Act to restore and confer upon the county court of Bexar county the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act," be so amended as to hereafter read as follows:

Section 2. Said county court shall have appellate jurisdiction in civil cases over which justice's courts have original jurisdiction when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars, exclusive of costs, and said county court shall have power to hear and determine cases brought up from the justice's courts by certiorari under the provisions of the title of the Revised Statutes relating thereto.

Section 5. Said county court shall have exclusive and original jurisdiction of all misdemeanors of which original jurisdiction is not given to the justice's courts as the same is now or may hereafter be prescribed by law, except misdemeanors involving official misconduct.

SEC. 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. The fact that litigants are in many cases deprived of the rights of appeal from justice's courts creates an emergency and imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 86, nays 0; and passed the Senate by a two-thirds vote, yeas 27, nays 0.]

Approved May 12, 1899.

Became effective May 12, 1899.

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## COKE COUNTY—COUNTY COURT—JURISDICTION.

H. B. No. 742.]

### CHAPTER CXIII.

An Act to diminish the civil and criminal jurisdiction of the County Court of Coke county, and to conform the jurisdiction of the district court of said county to such change.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of the county of Coke shall have and exercise the general jurisdiction of a probate court, shall probate wills, appoint guardians of minors, idiots and lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and apprentice minors, as prescribed by law, and to issue all writs necessary to the enforcement of its jurisdiction and to punish contempt under such provisions as are or may be provided by general law governing county courts throughout this State, but said county court shall have no other jurisdiction, civil or criminal.

SEC. 2. That the district court of said county shall have and exercise jurisdiction in all matters and causes, civil and criminal, over which by the General Laws of this State the said county court of the said county would have jurisdiction except, as provided in Section 1 of this act, and that all cases other than probate matters, and such as are provided in Section 1 of this act, be and the same are hereby transferred to the district court of said county, and all writs and process, civil and criminal, heretofore prior to the taking effect of this act, issued by or out of said county court, other than those pertaining to matters over which by Section 1 of this act jurisdiction is given to the county court of said county, be and the same are hereby made returnable to the next term of the district court in said county after this act shall take effect.

SEC. 3. That the clerk of said county court be and he is hereby required within twenty days after the taking effect of this act to make a complete transcript of all entries on his docket, civil and criminal, theretofore made in causes which by Section 2 of this act are transferred to the district court of said county, and file the same, together with the original papers and proceedings with the clerk of the district court of said county, and all such causes shall immediately be docketed by the clerk of the district court of said county, and shall stand on the docket of said district court as appearance cases for the next term of said district court, and for each of such transcripts the county clerk aforesaid shall receive

twenty cents per one hundred words, and fifty cents for each certificate thereto, to be taxed as costs against the party cast in the suit if a civil suit, and if a criminal case against the defendant if convicted.

SEC. 4. The near approach of the end of the session and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twelfth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

## REFORMATORY—PLACED UNDER MANAGEMENT OF BOARD OF PENITENTIARY COMMISSIONERS.

H. B. No. 719.]

### CHAPTER CXIV.

An Act to amend Articles 2941, 2945, 2946, 2948 and 2949, Title 54, of the Revised Statutes of the State of Texas, and to repeal Articles 2942, 2943, 2944, 2947 and 2950, Title 54, of the Revised Statutes of the State of Texas, so as to place the House of Correction and Reformatory under the management and control of the Governor and Board of Penitentiary Commissioners of the State of Texas; to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 2941, 2945, 2946, 2948 and 2949, of Title 54, of the Revised Statutes of the State of Texas, be and the same are hereby amended so as to hereafter read as follows:

Article 2941. The government of the House of Correction and Reformatory shall be vested in the Governor, the Board of Commissioners for the State Penitentiaries, as provided for in Title 79, Revised Statutes of the State of Texas, and an assistant superintendent of the State penitentiary, to be known as the assistant in charge of the House of Correction and Reformatory.

Article 2945. The Governor shall appoint, with the advice and consent of the Senate, the Assistant Superintendent in charge of the House of Correction and Reformatory, who shall receive for his services the sum of eighteen hundred dollars per annum, to be paid monthly on the Comptroller's warrant, based on a verified account approved by the Board of Penitentiary Commissioners, and shall give a bond with two or more good and sufficient sureties, to be approved by the Governor, in the sum of ten thousand dollars, payable to the Governor and his successors in office, conditioned for the faithful discharge of the duties of his office, which bond when so approved, shall be deposited in the office of the Secretary of State.

Article 2946. The Assistant Superintendent shall have the entire

control and management of the House of Correction and Reformatory, subject to the authority established by law and the by-laws, rules and regulations adopted by the said Board of Commissioners.

1. It shall be the duty of the Assistant Superintendent to keep a register, in which he shall enter the reception, previous moral character, habits and education, so far as can be ascertained, and the discharge, death, escape, commutation of time, and punishment inflicted on each person committed to the House of Correction and Reformatory.

2. It shall be his duty to obey and carry out all written orders and instructions which he shall from time to time receive from the Board or from the Governor.

3. He shall reside at the House of Correction and Reformatory and be held responsible for the strict enforcement of the laws, by-laws, rules and regulations and written orders of the Board of Commissioners and of the Governor; he shall see that the buildings are kept in good condition and that good order be observed in all departments.

4. He shall take the proper measures to promote the healthfulness and cleanliness of the House of Correction and Reformatory.

5. He shall keep the books of the Reformatory, fully exhibiting all moneys received and disbursed, the source from which received and the purposes for which the same were expended. Said books shall at all times be open to the inspection of the Commissioners or of the Governor or any one appointed by the Governor or the Commissioners to make such inspection.

6. Said superintendent shall make full quarterly reports in writing under oath to the Governor, showing in detail the fiscal operations of the Reformatory since his last report; and it shall also be his duty to make an annual report of like character to the Governor, on or before the thirtieth day of November of each year, covering in detail all the fiscal operations of the Reformatory for the year last past.

Article 2948. The by-laws herein provided for shall prescribe rules for the liberal commutation of time to be earned by the inmates for good behavior, and for apprenticing the inmates by the trustees, after a reasonable period of confinement, when deemed for the best interest of the House of Correction and Reformatory and the inmates, and for a term not longer than the time for which they were committed, and for tickets of leave, and for reasonable recreation, and for instruction in reading, writing, arithmetic, and habits of industry, sobriety, and in useful arts or trades; but the specification of any subject to be embraced in the by-laws shall not be construed as a limitation of the power of the Board of Commissioners to make other rules, regulations and by-laws.

Article 2949. In connection with said House of Correction and Reformatory there shall be established such mechanical industries as the said Board of Commissioners may deem proper and advisable, and the inmates shall be placed at such work as the Assistant Superintendent in charge shall designate; and the Commissioners shall especially provide that the white and colored inmates shall be kept, worked and educated separately.

Sec. 2. The Assistant Superintendent in charge of the House of Correction and Reformatory at Gatesville shall be subject to and governed by the provisions and requirements of law relating to and prescribing the duties, qualifications and powers of the Assistant

Superintendent of the State Penitentiaries, as enumerated in Articles 3668, 3669, 3670, 3671, 3672, 3673 and 3674, Chapter 3, Title 79, Revised Statutes of the State of Texas, and shall be governed and controlled by the laws now regulating and controlling the Superintendent and Assistant Superintendent of the State Penitentiaries in the discharge of his duties, and in the management and control of said House of Correction and Reformatory and the inmates thereof, and shall in all things be subject to the rules and requirements of the Board of Commissioners of the State Penitentiaries as now defined by law.

SEC. 3. That Articles 2942, 2943, 2944, 2947 and 2950, Title 54, of the Revised Statutes of the State of Texas be and the same are hereby repealed.

SEC. 4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 5. That all appropriations of money made or hereafter to be made for the House of Correction and Reformatory shall be available and used by the said Board of Commissioners as now prescribed by law.

SEC. 6. The approaching close of this session of the Legislature, the crowded condition of the calendar of each house, and the importance of the passage of this measure to the people of Texas, create an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and said rule is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by a two-thirds vote, yeas 22, nays 0.]

Approved May 12, 1899.

## FRATERNAL BENEFICIARY ASSOCIATIONS.

S. H. B. No. 497.]

### CHAPTER CXV.

An Act to define and regulate fraternal beneficiary societies, orders or associations; to prescribe the terms and conditions on which such societies organized under the laws of other States, or those doing business in other States, may be permitted to do business in Texas, and to define the duties of the Commissioner of Insurance of this State in relation thereto; providing for the incorporation of such societies, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* A fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association, formed or organized and carried on for the sole benefit of its members, and the beneficiaries, and not for profit, or that issues benefit certificates to such of its members only as may apply therefor, and that maintains a separate branch composed of the members who hold such certificates issued, and governed by or through a separate board of management, authorized and appointed by such corporation, society or association, for the sole purpose of managing and conducting such branch. Each association shall have a lodge system with ritualistic form of work, and elective representative form of government, and shall make provision for the payment of benefits in case of

death, and may make provision for the payment of benefits in case of sickness, temporary or permanent physical disability either as the result of disease, accident or old age; provided, that the period of life at which payment of physical disability benefits on account of old age commences shall not be under seventy years, subject to their compliance with its constitution and by-laws. The fund from which the payment of such benefits shall be paid, which shall be known as the benefit fund, and the funds from which the expenses of such association shall be defrayed, which shall be known as the general fund, shall be derived from assessments, monthly payments or dues collected from its members. Payment of death benefits shall be to the families, heirs, blood relatives, affianced husband or affianced wife, or to persons dependent upon the member at the time of his death, and should there be no one of the classes herein mentioned capable of taking the benefit at the death of the member, then the same shall pass, as provided by the laws and rules of the association. Such association shall be governed by this act and shall be exempt from the provisions of the insurance laws of this State, and no law hereafter passed shall apply to them unless they be expressly designated therein.

SEC. 2. All such associations coming within the description as set forth in Section 1 of this act, organized under the laws of this or any other state, province or territory, and now doing business in this State, may continue such business, and all associations of a fraternal beneficiary character not coming within the description, as set forth in Section 1 of this act, and now doing business in this State may continue such business; provided, that all such associations of either character above mentioned shall hereafter comply with the provisions of this act regulating annual reports and the designation of the Commissioner of Insurance as the person upon whom process may be served, as hereinafter provided, and otherwise complying with the terms of this act hereinafter provided.

SEC. 3. Any such association coming within the description as set forth in Section 1 of this act, organized under the laws of any other state, province or territory, and not now doing business in this State, shall be admitted to do business within this State when it shall have filed with the Commissioner of Insurance a duly certified copy of its charter and articles of association, and a copy of its constitution and by-laws, certified to by its secretary or corresponding officer, together with an appointment of the Commissioner of Insurance of this State as a person upon whom process may be served in any suit in which such association may be a party; and provided, that such association shall be shown to be authorized to do business in the state, province or territory in which it is incorporated or organized, in case the laws of such state, province or territory shall provide for such authorization, and in case the laws of such state, province or territory do not provide for any formal authorization to do business on the part of such association, then such association shall be shown to be conducting its business in accordance with the provisions of this act, for which purpose the Commissioner of Insurance of this State may personally, or by some person to be designated by him, examine into the condition, affairs, character and business, methods, accounts and books of such association at its home office, which examination shall be conducted at the expense of such association, such expense not to exceed five dollars per day and actual expenses of travel, and reasonable hotel bills of the person making such examination; provided, the cost of such

examination shall never exceed the total sum of fifty dollars; and provided further, that such association shall be required to furnish such an annual statement on entering the State for the preceding year's business, such as is set forth in the requirements of Section 5 of this act.

SEC. 4. When legal process against any such association is served upon the Commissioner of Insurance of this State, in any suit in which such association may be a party, he shall immediately notify the association of such service by letter, prepaid and directed to its secretary or corresponding officer, and shall within three days after such service, forward in the same manner, a copy of the process served on him. The plaintiff in such suit shall at the time such process is served, pay the Commissioner of Insurance a fee of two dollars, which shall be recovered by him as part of the costs if he prevails in the suit. The Commissioner of Insurance shall keep a record of all the process served on him, showing the day and hour of such service, and any process served on said Commissioner as herein provided shall be valid and binding on such association.

SEC. 5. Every such association doing business in this State, shall on or before the first day of March of each year, make and file with the Commissioner of Insurance of this State a report of its affairs and operations during the year ending on the thirty-first day of December, of the previous year, which annual report shall be in lieu of all other reports required by any other law. Such report shall be upon blank form to be provided by the Commissioner of Insurance and shall be verified under oath by the duly authorized officer of such association, and shall be published, or the substance thereof, in the annual report of the Commissioner of Insurance under a separate part, title, "Fraternal Beneficiary Associations," and shall contain answers to the following questions:

1. Number of certificates issued during the year, or members admitted.
2. Amount of indemnity affected thereby.
3. Number of losses or benefit liabilities incurred.
4. Number of losses or benefit liabilities paid.
5. The amount received from each assessment for the year.
6. Total amount paid members, beneficiaries or heirs.
7. Number and kind of claims for which assessments have been made.
8. Number and kinds of claims compromised or resisted, and brief statement of reasons.
9. Does association charge annual or other periodical dues, or admission fees?
10. How much on each one thousand dollars, annually or per capita, as the case may be?
11. Total amount received, from what source, and distribution thereof.
12. Total amount of salaries paid to officers.
13. Does association guarantee in its certificates fixed amounts to be paid regardless of amount realized from assessments, dues, admission fees and donation?
14. If so, state what amount guaranteed, and the security of such guarantee.
15. Has the association a reserve or emergency fund?

16. If so, how is it created, and for what purpose, the amount thereof and how invested?

17. Has the association more than one class?

18. If so, how many and the amount of indemnity in each.

19. Number of members in each class.

20. If voluntary, so state and give date of organization.

21. If organized under the laws of this State, under what law and at what time, giving chapter and year, and date of the act.

22. If organized under the laws of any other state, under what law and at what time, giving chapter and year, and date of the act.

23. Number of certificates of beneficiary membership lapsed during the year.

24. Number in force at the beginning of the year, and end of the year; if more than one class, number in each class.

25. Name and addresses of its president, secretary and treasurer or corresponding officer.

The Commissioner of Insurance is authorized and empowered to address any additional inquiries to any such association in relation to the matters embraced in such report, and such officers of such association as the Commissioner of Insurance may require, shall promptly reply in writing under oath, in all such inquiries.

SEC. 6. Any such association refusing or neglecting to make the report, as provided in this act, shall be excluded from doing business within this State. Said Commissioner of Insurance must within sixty days after failure to make such report, or in case any such association shall exceed its powers, or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of this act, give notice in writing to the Attorney-General, who shall immediately commence an action against any such association to enjoin the same from carrying on any business, and no injunction against any such association shall be granted by any court except on application by the Attorney-General, after the request of the Commissioner of Insurance, whether the State or a member or other party seeks relief. No association so enjoined shall continue business until such report shall be made, or overt act or violation complained of shall have been corrected, nor until the costs of such action be paid by it; provided, the court shall find such association was in default, as charged, whereupon the Commissioner of Insurance shall reinstate such association, and not until then shall such association be allowed to again do business in this State.

SEC. 7. Every such association coming within the description as set forth in Section 1 of this act, shall pay annually to the Commissioner of Insurance the following fees in connection with its entrance into the State:

Fee for filing certified copy of charter.....	\$5 00
Fee for certificate of authority to association.....	1 00
Fee for filing annual statement.....	1 00

SEC. 8. Any person who solicits for or organizes lodges of such associations as are described in the first section of this act without first obtaining from the Commissioner of Insurance a certificate of authority showing that the association has complied with the provisions of this act, and is entitled to do business in this State, shall be deemed guilty of a misde-



meanor, and upon conviction, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00), or by imprisonment in the county jail for not less than three (3) nor more than six (6) months, or by both such fine and imprisonment; provided, the provisions of this section shall not be so construed as to prohibit any member or members of a local or subordinate lodge from soliciting any person or persons to become a member of any local or subordinate lodge already in existence; and provided further, the provisions of this section shall not apply to any member or members of any local or subordinate lodge who participates in, supervises, directs or conducts the organization or establishment of any local or subordinate lodge within the limits of the county of his or their residence or lodge district.

SEC. 9. Any fraternal beneficiary association organized under the laws of this State, or any other State, province or territory, doing business in this State under the provisions of this act, which shall provide in its constitution or by-laws for the collection of assessments from its members at a rate higher than may be necessary to pay ordinary death or disability claims or benefits, for the purpose of creating a reserve fund to be used in cases of emergency, or for the purpose of maintaining a maximum rate of assessment, shall have the right to do so, and such reserve fund shall constitute a part of the benefit fund, and such association shall not be permitted to use such fund for any purpose except the payment of death or disability benefits, and such reserve funds shall be invested in such securities and in such manner as may be directed and approved by the board of trustees of such association.

SEC. 10. The benefit fund and the general fund of any fraternal beneficiary association doing business in this State, under the provisions of this act, shall each be kept as a separate fund, and it shall be unlawful to transfer or use any part of the benefit fund for any other purpose than the payment of benefits or expenses incurred in the settlement of beneficiary claims.

SEC. 11. The money or other benefits, charity, relief or aid to be paid, provided or rendered by any association authorized to do business under the provisions of this act, shall not be liable for the debts of the beneficiary or holder of any certificate, and shall not be subject to garnishment or other process at the suit of any creditor, nor shall it be taken, seized, appropriated or applied by any legal or equitable process or by operation of law to the debts of the certificate holder or any beneficiary named in such certificate or any person who may have any rights thereunder.

SEC. 12. Any fraternal beneficiary association organized under the laws of this State, or doing business in this State, may provide for the meetings of its legislative or governing body in any other State, province or territory wherein such associations shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects as if such meetings were held in this State, and when the laws of such associations provide for the election of its officers by votes to be cast in its subordinate bodies, the vote so cast in such bodies in another State, province or territory shall be valid as if cast within this State.

SEC. 13. Any fraternal beneficiary association doing business in this State which by its laws, rules and constitution has and maintains reciprocal relations with any supreme or grand body of any other corporation

or association, resident of another province, State or territory, shall have the right to assess, levy and collect from its members, and pay the same over to such supreme or grand body as may be due it as provided by the laws and constitution of such local association.

SEC. 14. Seven or more persons, citizens of the United States, and two of whom must be citizens of this State, may apply for and receive articles of incorporation for the organization of a fraternal beneficiary association. Such application must be in writing, and signed by the applicants, and must be acknowledged before some authorized officer to take acknowledgment of deeds, and same shall set forth:

1. The names and places of residence of the applicants.

2. Proposed corporate name of the association, which shall not too closely resemble the name of any other similar organization.

3. The object and purpose for which the association is formed, and same shall not include more liberal powers than are granted by this act.

4. The location of the principal office of the corporation, which may be in any State, province or territory, where the association has subordinate bodies.

5. Number of trustees, directors or similar officers, who shall manage the business of the corporation, and the names of such directors for the first year, or until the governing body shall meet.

6. The term for which such corporation shall exist shall not exceed fifty years. Such charter shall be filed with the Secretary of State, who shall record the same at length in a book kept for that purpose, and retain the original on file in his office; a copy of the charter or of the record thereof, certified to under the great seal of the State of Texas, shall be evidence of the creation of the corporation. Such charter may be amended at any time by filing with the Secretary of State the desired amendments, properly acknowledged, as required in obtaining a charter.

SEC. 15. The fee for such charter shall be fifty dollars, and for each amendment twenty-five dollars, which shall be paid to the Secretary of State at the date of the filing of such charter and amendments.

SEC. 16. The provisions of this act shall not apply to nor include the Order of Railway Conductors, Order of Locomotive Engineers, Order of Locomotive Firemen or Brotherhood of Railway Trainmen, or Order of Railway Telegraphers, which issue policies of insurance or benefit certificates only to members of their respective organizations, and said organizations shall be exempt from the provisions of this act.

SEC. 17. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 18. The crowded condition of the calendar, and the fact that there is no law in this State regulating fraternal beneficiary associations, thereby causing great inconvenience to large numbers of people, creates an emergency and an imperative public necessity requiring that the constitutional rule which requires bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved May 12, 1899.

## PEDDLERS—OCCUPATION TAX.

H. B. No. 785.]

CHAPTER CXVI.

An Act to require peddlers of clocks, agricultural implements, cooking stoves or ranges, wagons, buggies, carriages, surreys and other similar vehicles, washing machines and churns, and peddlers of all other merchandise of every description, to pay an annual occupation tax.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That there shall be collected by the State annually in advance an occupation tax on all persons or firms pursuing any of the following occupations, to wit: From every foot peddler, five dollars in each county in which he peddles; from every peddler with one horse or one pair of oxen, the sum of seven dollars and fifty cents in the county where he peddles; from every peddler with two horses or two pairs of oxen, ten dollars in each county in which said occupation is pursued; from every peddler with sail or other boat in streams along coasts or bays of this State, ten dollars in each county in which said occupation is pursued; provided, that nothing herein contained shall be so construed as to include traveling vendors of literature or traveling vendors of poultry, vegetables, fruits or other country produce exclusively, and fruit trees exclusively.

SEC. 2. From every person or firm who peddles out clocks, agricultural implements, cooking stoves or ranges, wagons, buggies, carriages, surreys and other similar vehicles, washing machines and churns, an annual tax of two hundred and fifty dollars, to be paid in each county in which said occupation is pursued; provided, that a merchant who pays an occupation tax as now required by law shall not be required to pay this special tax for selling the articles named in this section when sold in his place of business.

SEC. 3. Every county in this State where any of said occupations are pursued shall be entitled to collect for the use of said county one half of the amount required to be paid to the State.

SEC. 4. Whereas, the occupation taxes collected are not adequate, an imperative public necessity exists that the above named occupations should be taxed in order that the State may immediately derive benefit of the same, the constitutional rule requiring bills to be read on three several days is therefore suspended, and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 94, nays 10; and passed the Senate by a two-thirds vote, yeas 25, nays 2.]

Approved May 12, 1899.

Became effective May 12, 1899.

## INCORPORATION—OIL, GAS, SALT, ETC., COMPANIES.

S. B. No. 332.]

## CHAPTER CXVII.

An Act to provide for the organization of corporations for the purpose of the storage and transportation, and purchase and sale of oil, gas, salt, brine and other mineral solutions; to provide the manner and method of organizing such corporations; to prescribe the rights, powers, privileges and duties of such corporations; to authorize such corporations to conduct, operate and maintain pipe lines, tanks, pump stations, buildings, machinery, apparatus and devices as may be necessary; to own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands and other property for the uses and purposes of such corporations, and to provide the methods therefor; issue stock and bonds and to borrow money and mortgage its franchises and property.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Any number of persons, not less than three, may organize themselves into a corporation for the purpose of storing, transporting, buying and selling of oil and gas, salt, brine and other mineral solutions in this State.

SEC. 2. The manner and method of organizing such corporations shall be the same as provided by law for the organization of private corporations in Chapter 2, Title 21, of the Revised Civil Statutes of the State, and the provisions of this act shall apply to all corporations already organized for any of the purposes of this act.

SEC. 3. Such corporations shall have power to store and transport oil and gas, brine and other mineral solutions, and to make reasonable charges therefor; to buy, sell and furnish oil and gas for light, heat and other purposes; to lay down, construct, maintain and operate pipe lines, tubes, tanks, pump stations, connections, fixtures, storage houses, and such machinery, apparatus, devices and arrangements as may be necessary to operate such pipes and pipe lines between different points in this State; to own, hold, use and occupy such lands, rights of way, easements, franchises, buildings and structures as may be necessary to the purpose of such corporation.

SEC. 4. Such corporation shall have the right and power to enter upon, condemn and appropriate the lands, rights of way, easements and property of any person or corporation, and shall have the right to lay its pipes and pipe lines across and under any public road or under any railroad, railroad right of way, street railroad, canal or stream in this State, and to lay its pipes and pipe lines across or along and under any street or alley in any incorporated city or town in this State, with the consent and under the direction of the board of aldermen or city council of such city or town. The manner and method of such condemnation shall be the same as is provided by law in the case of railroads; provided, that such pipe or pipe lines shall not pass through or under any cemetery, church or college, school house, residence, business or store house, or through or under any building in this State, except by the consent of the owner or owners thereof; and provided further, that all such pipes and pipe lines, when same shall pass through or over the cultivated or improved lands of another, shall be well buried under ground at least twenty inches under the surface, and such surface shall be properly and promptly restored by such corporation unless otherwise consented to by the owner

or owners of such land; provided further, that if such pipe or pipe line shall be laid over or along any uncultivated or unimproved lands of another, and such lands shall thereafter become cultivated or improved, such pipes or pipe lines shall be buried by said corporation as hereinbefore provided, within a reasonable time after notice by the owner of such lands, or his agent, to said corporation or any agent thereof; and provided further, that whenever such pipe or pipe line shall cross any public road or highway, railroad, street railroad, or street or alley, the said pipes and pipe lines shall be so buried and covered as not to interfere with the use and occupancy of such road, highway, street or alley by the public, or use and occupancy of such railroad or street railroad by the owner or owners thereof; and provided further, that such pipe line so laid shall not exceed eight inches in diameter.

SEC. 5. Such corporation shall have the right to borrow money to issue stock and preferred stock, to mortgage its franchises and property to secure the payment of any debt contracted for any of the purposes of such corporation, and shall possess all the rights and powers of corporations for profit in this State wherever the same may be applicable to corporations of this character.

SEC. 6. It shall be unlawful for any corporation organized under this act to discriminate against any person, corporation, firm, association, or place in the charge for such storage or transportation, or in the service rendered; but shall receive, store or transfer oil or gas for any person, corporation, firm or association upon equal terms, charges and conditions with all other persons, corporations, firms, associations for like service.

SEC. 7. The near approach of the close of the present session of the Legislature, the crowded condition of the calendar, and the importance of this legislation, create an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in full force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 20, nays 3; and passed the House of Representatives by a two-thirds vote, yeas 91, nays 0.]

Approved May 15, 1899.

Takes effect May 15, 1899.

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## REBATES AND UNJUST DISCRIMINATIONS BY RAILROAD COMPANIES AND RECEIVERS.

S. B. No. 293.]

### CHAPTER CXVIII.

An Act to define and punish unjust discrimination by officers, agents, servants and employes, and receivers, their officers, servants, agents and employes of railroad companies in this State.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That if any officer, agent, clerk, servant or employe, or any receiver, or his servant, agent or employe of any railroad company in this State shall, directly or indirectly, or by any special rate, rebate, draw

back or other device for and on behalf of such railroad company, knowingly charge, demand, contract for, collect or receive from any person, firm or corporation a greater or less compensation for any service rendered or to be rendered by any such railroad company in this State than such railroad company, or its said officers, agents, clerks, servants or employes, or receiver thereof, charges, demands, contracts for, collects or receives from any other person, firm or corporation for doing a like and contemporaneous service; or if any officer, agent, clerk, servant or employe, or receiver, or his agents, servants or employes, of any railroad company in this State, who shall for and on behalf of such railroad company make or give any undue or unreasonable preference or any advantage to any particular person, company, firm, corporation or locality, as to any service rendered or to be rendered or performed by such railroad company, or to subject any particular description of traffic on such railroad company to any undue or unreasonable prejudice, delay or disadvantage in any respect whatever, such officer, clerk, servant or employe, or receiver, his agents, servants or employes of such railroad company, shall be deemed guilty of unjust discrimination within the meaning of this act, and, on conviction thereof, shall be punished by confinement in the State penitentiary for not less than two nor more than five years.

SEC. 2. Nothing herein shall prevent the carriage, storage or handling by railroad companies in this State, or by their agents, officers, clerks, servants and employes of freight free, or at reduced rates for the State, or for any city or county or town government, or for charitable purposes, or to and from fairs and expositions for exhibition thereof, or the free carriage of destitute and indigent persons, or the issuance of mileage or excursion passenger tickets; nor to prevent railroads from giving free transportation to ministers of religion or free transportation to the inmates of hospitals, eleemosynary and charitable institutions, and to the employes of the agricultural and geological departments of the State, or to the peace officers of this State; and nothing herein shall be construed to prevent railroads, their agents and employes and officers from giving free transportation to any railroad officers, agents, employes, attorneys, stockholders or directors, or to the Railroad Commissioners, their secretaries, clerks and employes, or to any other officer or person not prohibited by law.

SEC. 3. Any court, officer or tribunal having jurisdiction of the offense mentioned in this act, or any district or county attorney, may subpoena persons and compel their attendance as witnesses to testify as to the violations of this act; and any person so summoned and examined shall not be liable to prosecution for any violation of this act about which he may testify, and for any offense by reason of violations of this act; a conviction may be had upon the unsupported evidence of an accomplice or participant.

SEC. 4. It shall be the duty of every district judge in this State in whose court a grand jury shall be empaneled to charge said grand jury, whenever organized, to thoroughly investigate with reference to violations of this act.

SEC. 5. The crowded condition of the calendar and the near approach of the close of the present session of the Legislature, and the fact that there is now no law on our statute books sufficient to prohibit the crime mentioned in this act, creates an emergency and an imperative public

necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is accordingly so ordered.

Approved May 16, 1899.

Takes effect 90 days after adjournment.

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INSPECTION OF LIVE STOCK—PLACING RANDALL COUNTY  
UNDER SAME AND REMOVING CERTAIN  
OTHERS—AMENDMENT.

H. B. No. 412.]

CHAPTER CXIX.

An Act to amend Article 5043, Chapter 6, Title 102, Revised Statutes, as amended by the Twenty-fifth Legislature, in Chapter 121 of said acts, relating to inspection of live stock, so as to place Randall county under the operation of said law, and to remove Cochran, Cottle, Bailey, Parmer, Lamb and other counties from the operation of said law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 5043, Chapter 6, Title 102, Revised Statutes, as amended by the Twenty-fifth Legislature, in Chapter 121 of said acts, be so amended as to read as follows, to-wit:

Article 5043. The counties of Anderson, Austin, Angelina, Atascosa, Bell, Bowie, Brazos, Bastrop, Bosque, Burleson, Brazoria, Burnet, Caldwell, Camp, Calhoun, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Delta, Ellis, El Paso, Erath, Fannin, Franklin, Falls, Freestone, Gonzales, Eastland, Stephens, Fayette, Fort Bend, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Hayes, Henderson, Hill, Hood, Hunt, Hopkins, Houston, Jackson, DeWitt, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Lampases, Maverick, McLennan, Madison, Marion, Montgomery, Montague, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Palo Pinto, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shackelford, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Wharton, Wise, Wood, Jack, Harris, Clay, Young, Limestone, Wheeler, Lavaca, Nueces, Bee, Refugio, San Patricio, Somervell, Matagorda, Waller, Karnes, Victoria, Milam, Live Oak, Williamson, Liberty, Guadalupe, Gillespie, Baylor, Knox, Archer, Hardeman, Childress, Hall, Denton, Collingsworth, Donley, Gray, Armstrong, Briscoe, Floyd, Kendall, Comal, Navarro, Brown, Coryell, Hamilton, Mills, Duval, Comanche, Bailey, Dallam, Oldham, Hartley, Hockley, Cochran, Wilson, Ford, Mason, Throckmorton, Menard and Tarrant are hereby exempt from the operation of this act, and the provisions of the same shall in nowise relate or apply to the aforesaid counties; provided, that in those counties bordering on the line of the State, except those bordering on Red River and the Rio Grande, when there is a depot or place for the shipment of cattle, no inspector of hides and animals shall be elected, but one for each of such counties shall be appointed by the Governor, who shall hold office for two years and until his successor shall be appointed; and said inspector so appointed to take the constitutional oath of office and give the bond now required of inspectors of hides and animals, and such inspectors shall receive the same fees now allowed inspectors of hides and animals.

and perform the same duties; provided, the inspectors shall be elected in the counties of Cameron, Hidalgo, Starr, Zapata and Webb; provided, that such cattle shall not be subject to inspection on board of any railroad unless the same have been placed on board of such train for the purpose of evading the provisions of this act; and provided further, that the counties of Limestone, Fayette, Lavaca, Gonzales, Colorado, Bell, Calhoun, Hays, Caldwell, Blanco, Llano, Kendall, Comal, Houston, Austin, Johnson, Hill, Ellis, Jackson, Victoria, DeWitt, Freestone, Hamilton, Williamson, Milam, Live Oak, Harris, Bosque, Erath, Hood, Somervell, Liberty, Coryell, Lampasas, Mills, Wichita, Wilbarger, Hardeman, Gray, Armstrong, Briscoe, Floyd, Cottle, Hemphill, Kendall, Fannin, Camp, Childress, Hall, Collingsworth, Donley, Delta, Franklin, Hopkins, Hunt, Wilson, Navarro, Guadalupe, Gillespie, Baylor, Throckmorton, Wharton, and Knox shall be exempt from all laws regulating inspection of hides; and provided further, that the provisions of this article and chapter shall in no wise relate or apply to the counties of Oldham, Hartley, Dallam, Parmer, Bailey, Lamb, Hemphill, Cottle, Hardeman, Maverick and Cochran; that all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the sixteenth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

## MISSOURI, KANSAS & TEXAS RAILWAY COMPANY—CONSOLIDATION.

S. B. No. 333.]

### CHAPTER CXX.

An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to acquire, by purchase or lease, the railroad of The Sherman, Shreveport & Southern Railway Company, extending from the city of McKinney, in Collin county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern line of Texas, in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as a part of its line, with the right to extend the same, and construct branches therefrom, by amendment of its charter, under the General Laws of the State of Texas, and investing said companies, and each of them, with the power to make and execute all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said The Sherman, Shreveport & Southern Railway Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, when the said railway, so to be purchased or leased, has been extended from the city of Jefferson to the eastern line of the State of Texas, in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such line of railway in the State of Louisiana, by lease, trackage or running rights agreement, the use of such line to the said city of Shreveport; and further, to authorize the said The Sherman, Shreveport & Southern Railway Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport.



Whereas, the incorporation and organization of The Sherman, Shreveport & Southern Railway Company was promoted and brought about by the owners and holders of the stock of The Missouri, Kansas & Texas Railway Company of Texas, a corporation organized under the laws of this State, and the stocks of said two companies are owned and held in the same interest, and have been ever since the incorporation thereof; and

Whereas, the public interest will be beneficially served by a conveyance and transfer of the said The Sherman, Shreveport & Southern Railway, with its franchises and property, to the said The Missouri, Kansas & Texas Railway Company of Texas, to be operated by it in connection with the extensions contemplated by this act as one property, thereby avoiding local and providing for through rates to all points common to both of said railroads, and encouraging the further extension of said system to the city of San Antonio, and to a point of connection with a line of railway to the city of Shreveport, in the State of Louisiana, and securing to the shippers of this State the advantage of the cheaper rates afforded by the water and rail routes of transportation centering there, thus creating an additional gateway to the markets of other States; and,

Whereas, there is no general law of the State of Texas authorizing such sale, transfer or conveyance, and none can be made applicable to the facts and circumstances necessitating the passage of this act; and

Whereas, the said railway companies have duly given notice of their intention to apply to the Legislature of the State of Texas for the passage of this special law by having a statement of the substance thereof duly published as required by the Constitution and laws of this State; and the evidence of such notice having been so published, has been duly exhibited and shown to this Legislature; now, therefore,

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The Missouri, Kansas & Texas Railway Company of Texas (a corporation organized and existing under the laws of this State) is hereby authorized and empowered to purchase the railroad of The Sherman, Shreveport & Southern Railway Company (a corporation organized and existing under the laws of this State), extending from the city of McKinney, in Collin county, through the counties of Collin, Hunt, Hopkins, Wood, Franklin, Camp, Titus, Morris, Cass, to the city of Jefferson, in Marion county, a distance of about one hundred and fifty-five (155) miles, together with all the franchises and property, real, personal and mixed, incident or appertaining to said railroad; and the said The Sherman, Shreveport & Southern Railway Company is authorized and empowered to sell, transfer and convey its railroad and all property and franchises, incident or pertaining thereto, to said The Missouri, Kansas & Texas Railway Company of Texas; and when the said property is so purchased the said The Missouri, Kansas & Texas Railway Company of Texas shall, and it is hereby authorized to own and operate the same under its charter as a part of its own line, and shall have the right, by amendment to its charter made under the General Laws of this State, to extend and construct branches of the said railroad or the extension thereof; and power is hereby conferred upon each and both of said railway companies to make all necessary contracts and conveyances to accomplish such sale and purchase.

SEC. 2. In the event that The Sherman, Shreveport & Southern

Railway Company shall extend its railroad, described in Section 1 hereof, from the said city of Jefferson eastwardly to the east boundary line of the State of Texas, in the direction of Shreveport, Louisiana, such extension, with all the property and franchises incident or pertaining thereto, shall be included in the purchase and sale provided for in said section, and to that end all the necessary powers are hereby conferred on each and both of said railway companies.

SEC. 3. When the railroad herein authorized to be purchased and sold shall be extended to the eastern line of the State of Texas, in the direction of Shreveport, by the said The Sherman, Shreveport & Southern Railway Company, the company then operating said railway is hereby authorized and empowered to connect with any railroad extending from its terminus at the east line of Texas to the city of Shreveport, Louisiana, and to acquire from the owner of any such line in Louisiana, by lease for a term not exceeding twenty-five years, the use of such line, or by trackage or running rights agreement for a term not exceeding twenty-five years, the right to run its trains to and into the said city of Shreveport, and also to acquire the use of the necessary terminal facilities in said city for a term not exceeding twenty-five years. In the event that such rights in Louisiana should be acquired by the said The Sherman, Shreveport & Southern Railway Company, before the sale and purchase authorized in Section 1 hereof, then power is hereby conferred on each and both of said Texas companies to contract for the transfer of such rights to the said The Missouri, Kansas & Texas Railway Company of Texas.

SEC. 4. The sale and purchase herein authorized to be made shall be subject to all just and legal encumbrances, suits or actions for damages, or rights of way, liens, judgments and debts contracted or incurred by said The Sherman, Shreveport & Southern Railway Company upon or against its said property or any part thereof, as well as to the payment and discharge of all and singular the legal obligations and liabilities of every sort whatever against the said The Sherman, Shreveport & Southern Railway Company and its property to the same extent that said property would be liable therefor if the property remained in the possession of the said The Sherman, Shreveport & Southern Railway Company; and the said The Missouri, Kansas & Texas Railway Company of Texas shall take the same charged therewith, and subject to the payment thereof and the assumption by said The Missouri, Kansas & Texas Railway Company of Texas of such encumbrances, debts and liabilities may enter into and constitute a part of the consideration of such sale and conveyance, and the said The Missouri, Kansas & Texas Railway Company of Texas may exchange its stocks and bonds for the outstanding bonds and stocks of the said The Sherman, Shreveport & Southern Railway Company upon such terms as may be agreed upon between said railway companies with the holders of such outstanding bonds and stocks; provided, all the outstanding bonds and stock of said The Sherman, Shreveport & Southern Railway Company so exchanged shall be cancelled and extinguished; provided further, that the stock and bonds of The Missouri, Kansas & Texas Railway Company of Texas issued in exchange for the stocks and bonds of The Sherman, Shreveport & Southern Railway Company shall not exceed the valuation of the said The Sherman, Shreveport & Southern Railroad as fixed by the Railroad Commission of Texas; provided further,

that nothing herein contained shall be construed as affecting, in any manner, any suit pending between the State of Texas and the said The Missouri, Kansas & Texas Railway Company of Texas, nor as affecting, in any manner, the discretion of the Attorney-General of Texas to prosecute or not to prosecute any such suit, or as in any manner waiving any cause of action now existing in favor of the State of Texas against said railway company.

SEC. 5. The said railroad companies herein mentioned are hereby authorized and empowered, after the extension of said The Sherman, Shreveport & Southern Railway Company to the east line of the State, to enter into a contract of lease whereby the said The Sherman, Shreveport & Southern Railway and its appurtenant property shall be leased to said The Missouri, Kansas & Texas Railway Company of Texas, upon terms to be agreed upon between said companies, and if at the time of making such lease, The Sherman, Shreveport & Southern Railway Company shall have acquired the right to the use of the connecting railroad leading to Shreveport, Louisiana, and of the terminal facilities there, as herein provided, then its right therein may be included in such contract of lease, and if such rights in the connecting railroad in Louisiana and in the terminals at Shreveport have not been acquired, the said The Missouri, Kansas & Texas Railway Company of Texas is hereby authorized and empowered to acquire them in its own right; provided, however, that the exercise of the right to make the lease herein authorized shall not prevent the said railway companies from at any time thereafter making the purchase and sale herein authorized; provided further, that the said The Missouri, Kansas & Texas Railway Company of Texas and the said The Sherman, Shreveport & Southern Railway Company shall not make the lease or purchase of The Sherman, Shreveport & Southern Railroad authorized by this act until the railroad of the said The Sherman, Shreveport & Southern Railway Company shall be extended from Jefferson to the east line of the State, and the railroad of the said The Missouri, Kansas & Texas Railway Company of Texas shall be extended to the city of San Antonio; nor unless such extensions shall be made within two years from the passage of this act.

SEC. 6. Be it further enacted, that the sale and purchase or lease herein authorized shall be valid and binding only when approved by the assent of the holders of at least four-fifths of the outstanding capital stock of the said The Missouri, Kansas & Texas Railway Company of Texas, and of the said The Sherman, Shreveport & Southern Railway Company, given in writing, or at a meeting of the said stockholders of the said railway companies, respectively, and certified copies of the conveyance or lease, and of such assents in writing, or certified copies of the records of the proceedings of such corporate meetings authorizing the same under the hands of the secretaries of said railway companies, and the corporate seals of said companies shall be filed with the Secretary of State.

SEC. 7. All courts within this State are required to take judicial notice of this act, and of the powers and privileges herein granted in like manner as if the same were a general law, the acceptance of the provisions of this act is an agreement on the part of the Missouri, Kansas & Texas Railway Company in Texas to abide by and submit to the rates,

rules, regulations and requirements of the Railroad Commission of the State of Texas until the same are set aside by a court of competent jurisdiction on final hearing, and this act shall not be conclusive of the rights of the State as to any question of law or fact necessary or presumed to have been determined by the Legislature in order to comply with Article 10, Sections 5 and 6, of the Constitution of the State of Texas.

SEC. 8. The fact that important public interests are to be subserved by the passage of this act, providing for the enlargement and unifying of an important railway system of the State and for additional transportation facilities to the citizens thereof, and the great number of bills now pending before the Legislature, creates an imperative public necessity and emergency which justifies a suspension of the constitutional rule requiring bills to be read in each house on three several days, and such rule is therefore so suspended, and that this act take effect and be in force from and after its passage, and it is therefore so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by vote, yeas 18, nays 4, and was reported to the House of Representatives where it was amended and passed, vote not given; Senate concurred in House amendments by vote, yeas 23, nays 0.]

Approved May 16, 1899.

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## SECOND JUDICIAL DISTRICT—TIME OF HOLDING COURT.

S. B. No. 314.]

### CHAPTER CXXI.

An Act to amend Subdivision (2) two, of Article 22, Title 4, of the Revised Civil Statutes of Texas, 1895, so as to extend the time of the terms of the District Court in Nacogdoches county, and change the time of holding district court in Angelina and Cherokee counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Subdivision 2, of Article 22, Title 4, of the Revised Civil Statutes of the State of Texas, of 1895, be so amended as to hereafter read as follows:

“2.” The Second Judicial District shall be composed of the counties of Angelina, Cherokee, Nacogdoches, Sabine, San Augustine and Shelby, and the terms of the district court therein shall be held as follows:

In the county of Shelby, on the first Monday in January and second Monday in July, and may continue in session five weeks.

In the county of Sabine, on the fifth Mondays after the first Monday in (in) January and the second Monday in July, and may continue in session two weeks.

In the county of San Augustine, on the (7th) seventh Mondays after the first Monday in January and the second Monday in July, and may continue in session three weeks.

In the county of Nacogdoches, on the tenth (10th) Mondays after the first Monday in January and the second Monday in July, and may continue in session six weeks.

In the county of Angelina, on the sixteenth Mondays after the first Monday in January and the second Monday in July, and may continue in session four weeks.

In the county of Cherokee, on the twentieth Mondays after the first Monday in January and the second Monday in July, and may continue in session until the business is disposed of.

SEC. 2. The fact that the calendar is greatly crowded and the session is drawing near its close and that this bill is greatly needed to give relief to the crowded docket in Nacogdoches county, create an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended.

Approved May 17, 1899.

Takes effect 90 days after adjournment.

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### THIRTY-FOURTH JUDICIAL DISTRICT—TIME OF HOLDING COURT.

S. B. No. 294.]

CHAPTER CXXII.

An Act to reorganize the Thirty-fourth Judicial District of Texas; to prescribe the time of holding the terms of the district court therein, and to repeal all laws in conflict with this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The Thirty-fourth Judicial District of the State of Texas shall be composed of the counties of El Paso, Ward, Reeves and Presidio, and the unorganized counties of Winkler and Loving and the terms of the district court for said district shall be held as follows, to-wit:

Five terms of said district court for said Thirty-fourth Judicial District shall be held in the county of El Paso as hereafter set out.

Beginning in the county of El Paso, on the first Monday in January of each year, and may continue in session until the third Monday in February following; and in the county of Ward, on the third Monday in February and August of each year, and may continue in session two weeks; in the county of Reeves, on the first Monday in March and September in each year, and may continue in session two weeks; and in the county of Presidio, on the second Monday after the first Monday in March and September of each year, and may continue in session two weeks; and in the county of El Paso, on the first Monday in April of each year, and may continue in session until the first Monday in June following, on the first Monday in June of each year, and may continue in session until the first Monday in July following, on the first Monday in October of each year, and may continue in session until the first Monday in December following, on the first Monday in December of each year, and may continue in session until the beginning of the following January term.

SEC. 2. The near approach of the close of the present session of the Legislature, and because of the insufficient time as now provided by law for holding the terms of the district court in some of the counties of said Thirty-fourth Judicial District, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

SEC. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0; and passed the House of Representatives, no vote given.]

Approved May 17, 1899.

## TITUS COUNTY—COUNTY COURT JURISDICTION.

S. B. No. 307.]

### CHAPTER CXXIII.

An Act to be entitled "An Act to diminish the criminal jurisdiction of the County Court of Titus county, and to conform the jurisdiction of the district court to said change."

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the county court of Titus county shall only have and exercise the general jurisdiction of a probate court, shall probate wills, appoint guardians of minors, idiots and lunatics, persons non compos mentis and common drunkards, grant letters testamentary, of administration, settle accounts of executors, administrators and guardians, transact all business pertaining to estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and apprentice minors as prescribed by law, and to issue all writs necessary to the enforcement of their jurisdiction, and to punish contempt under such provisions as or may be provided by general law governing county courts throughout this State, but said county court shall have no other jurisdiction, either civil or criminal.

SEC. 2. That the district court of said county shall have and exercise jurisdiction over all criminal matters and causes over which by General Laws of this State the said county court of said county now has jurisdiction. And that all cases other than probate matters and such as are provided in Section 1 of this act, be and the same are hereby transferred to the district court of said Titus county, and all writs and process, civil and criminal, heretofore prior to the taking effect of this act, issued by or out of said county court, other than those pertaining to matters over which by Section 1 of this act jurisdiction is given to the county court of said county, be and the same are hereby made returnable to the next term of the district court in said county after this act shall take effect.

SEC. 3. That the clerk of said county court be and he is hereby required, within twenty days after the taking effect of this act, to make a complete transcript of all the entries on his docket of criminal cases theretofore made in causes, which by Section 2 of this act are transferred to the district court of said county, and file the same, together with the original papers and proceedings, with the clerk of the district court of said county, and all such causes shall be immediately docketed by the clerk of the district court of such county and shall stand on the docket of said district court of such county as appearance cases, for the next term of said district court, and for each of said transcripts the county clerk aforesaid shall receive twenty cents per one hundred words, and fifty

cents for each certificate thereto, to be taxed as costs against the defendant in said criminal case, in the event the said defendant is convicted.

SEC. 4. The near approach of the end of the session, and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and that this act become a law from and after its passage, and it is so enacted.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 25, nays 0; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the eighteenth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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### CASS COUNTY ROAD SYSTEM—AMENDMENT.

S. B. No. 347.]

CHAPTER CXXIV.

An Act to amend Section 6 of an act passed by the Twenty-sixth Legislature, entitled An Act to create and maintain a more efficient public road system for Cass county.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Section 6 of a bill to be entitled An Act to create and maintain a more efficient public road system for Cass county, passed at this, the Regular Session of the Twenty-sixth Legislature, be amended so as to hereafter read as follows:

Section 6. It shall be the duty of the county commissioners of said county, when the surveyor or engineer named in Section 1 of this act has made his report, to see that this report shows at least one public road of the first class, as heretofore defined in this act, is laid out to pass through each county commissioner's commission district, and terminate at the county site of Cass county, or which may terminate after passing through the said commissioner's commission district into another road of the first class, which road terminates at said county site; if to do this will lessen cost of construction and not inconvenience a majority of the citizens in such district or districts.

SEC. 2. The near approach of the end of the present session of the Legislature, and the error in the enrolled bill recently passed, making its enforcement doubtful, creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, ayes 21, nays 0; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the eighteenth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution; and the Legislature having adjourned before the expiration of ten days after it was presented to him, and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

## RAILWAY COMPANIES—VENUE OF SUITS AGAINST.

S. B. No. 103.]

CHAPTER CXXV.

An Act to prescribe the parties to and venue of suits against railroad corporations and assignees, trustees and receivers operating any railway over whose transportation lines, or parts thereof, any freight, baggage or other property has been carried during transportation.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That whenever any freight, baggage or other property has been transported over two or more railroads operating any part of their roads in this State, and having an agent in this State or operated by any assignee, trustee or receiver of any such railways, suit for loss or damages thereto or other cause of action connected therewith, or arising out of such transportation or contract in relation thereto, may be brought against any one or all of such railroad corporations, assignees, trustees or receiver operating any of such railways in any county in which either of such railroads extend or is operated; provided, however, that if damages be recovered against more than one carrier not partners in the shipment or contract they shall be apportioned between the defendants by the verdict of the jury and the judgment of the court, or by the judgment alone, should no jury be demanded; provided, this act shall not change venue in any case now pending.

SEC. 2. All laws in conflict herewith are hereby repealed; provided, that nothing in this act shall be construed to affect or repeal Chapter 121, of the General Laws of the Twenty-fourth Legislature.

SEC. 3. There being in this State no adequate law permitting carriers not partners to be sued in one action and regulating the venue of suits against them, and there being a large and increasing amount of work on the calendar of the Legislature, an emergency and imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that rule is now suspended, and it is so ordered; and further, this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 26, nays 1; and was reported to the House, where it was amended and passed by a two-thirds vote, yeas 94,



nays 3; and reported back to Senate; Senate concurred in House amendments, no vote given.]

Approved May 20, 1899.

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### WHITECAPPING DEFINED.

S. S. B. No. 162.]

CHAPTER CXXVI.

An Act to define whitecapping, and fixing a punishment therefor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Any person who shall post any anonymous notice or make any threats or signs or skull and cross bones, or shall by any other method post any character or style of notice or threat to do personal violence or injury to property on or near the premises of another, or who shall cause the same to be sent with the intention of interfering in any way with the right of such person to occupy said premises or to follow any legitimate occupation, calling or profession, or with the intention of causing such person to abandon such premises, or precincts, or county, in which such person may reside, shall be deemed guilty of the offense of whitecapping, and upon conviction therefor shall be punished by confinement in the State penitentiary for any period of time not less than two years, nor more than five years.

SEC. 2. The crowded state of the calendars of both houses makes the consideration of measures now pending very doubtful, creates an emergency and an imperative public necessity which demands that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act shall become operative immediately after its passage, and it so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and was reported to the House, where it was amended and passed by a two-thirds vote, yeas 103, nays 0; and reported back to the Senate; Senate concurred in House amendments by a two-thirds vote, yeas 24, nays 0.]

Approved May 20, 1899.

Became effective May 20, 1899.

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HOUSTON AND TEXAS CENTRAL RAILROAD COMPANY—  
CONSOLIDATION.

S. H. B. No. 782.]

CHAPTER CXXVII.

An Act to authorize the Houston & Texas Central Railroad Company to purchase, own and operate the railroad of the Central Texas & Northwestern Railway Company, with its franchises and appurtenances; the railroad of the Fort Worth & New Orleans Railway Company, with its franchises and appurtenances; the Lancaster Tap Railroad, with its franchises and appurtenances; the railroad of the Austin & Northwestern Railroad Company, with its franchises and appurtenances; and the railroad of the Granite Mountain & Marble Falls City Railroad Company, with its franchises and appurtenances, or either or any of such railroads, with its or their franchises and appurtenances; and to authorize the owners of each of said railroads and its franchises and appurtenances to sell the same, and to authorize said Houston & Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railways, franchises and appurtenances so purchased, and to the amount of the value of the railroad hereafter constructed by it under the provisions of this act, as fixed or as the same may be fixed by the Railroad Commission of Texas, and to regulate the reports of such properties and the operations thereof; and to authorize the Houston & Texas Central Railroad Company to construct, own, operate and maintain, or to amend its articles of incorporation so as to authorize it to construct, own, operate and maintain a railroad from a connection with the Austin & Northwestern Railroad in Burnet county to the town of Lampasas.

SECTION. 1. *Be it enacted by the Legislature of the State of Texas:* That the Houston & Texas Central Railroad Company be, and it is hereby authorized to purchase, own and operate the railroad of the Central Texas & Northwestern Railway Company, extending from Garrett station to the town of Waxahachie, in Ellis county, with its franchises and appurtenances; the railroad of the Fort Worth & New Orleans Railway Company extending from the town of Waxahachie, in Ellis county, to the city of Fort Worth, in Tarrant county, with its franchises and appurtenances; the railroad commonly known as the Lancaster Tap railroad, extending from Hutchins station to the town of Lancaster, in Dallas county, with its franchises and appurtenances; the railroad of the Austin & Northwestern Railroad Company, extending from the city of Austin, in Travis county, to the town of Llano, in Llano county, with its franchises and appurtenances; and the railroad of the Granite Mountain & Marble Falls City Railroad Company, extending from a point of connection with the Austin & Northwestern Railroad in Burnet county, to the town of Marble Falls, in Burnet county, with its franchises and appurtenances, or either or any of such railroads with its or their franchises and appurtenances, and the owners of each of said railroads and its franchises and appurtenances, are hereby authorized and empowered to sell the same to said Houston & Texas Central Railroad Company.

SEC. 2. That in case said railroads, with their franchises and appurtenances, or either or any thereof shall be purchased by the said Houston & Texas Central Railroad Company, the said Houston & Texas Central Railroad Company shall be, and is hereby authorized to issue additional mortgage bonds to the amount of the value of such railroads and franchises and appurtenances so purchased, or of such of them as shall be so purchased, and to issue additional mortgage bonds to the amount of the value of the railroad which may be hereafter constructed by it to the town

of Lampasas as provided for in this act, and on each as such value has been or shall be ascertained and determined by the Railroad Commission of Texas under the provisions of the acts of the Legislature of the State of Texas, entitled, "An Act to define franchises; to make public the value of railroads; to make effective Section 6, Article 12, of the Constitution of the State of Texas; to declare the effect of judicial and other sales of railroads; to limit the amount of stocks and bonds and other indebtedness that may be issued by railroad companies, and to regulate the manner of issuing, registering and securing the same; to prescribe penalties for violating the provisions of this act, and to prescribe the duties of the Railroad Commission and the Attorney-General in relation thereto," approved April 8, 1893, and any amendments made, or which may be made, thereto, but not otherwise; provided, that before said Houston & Texas Central Railroad Company shall be authorized to issue such additional mortgage bonds in respect to any such railway, its franchises and appurtenances, all the existing mortgage bonds, if any, which may be a lien upon such railway, its franchises and appurtenances and the outstanding capital stock, if any, of the company now owning the same, shall be cancelled and the Railroad Commission of Texas shall require evidence satisfactory to it, of such cancellation before approving or ordering the registration of the bonds authorized by this act to be issued in respect to such railway, its franchises and appurtenances; and provided further, that neither of said railroads with its franchises so purchased shall be subject to any mortgages or mortgage bonds heretofore executed by the Houston & Texas Central Railroad Company.

SEC. 3. That no such purchase or purchases shall be valid until the agreement in writing evidencing such purchase or purchases shall have been filed in the office of Secretary of State, which agreement when so filed shall be deemed and taken as conclusive evidence of the acceptance of the terms, provisions and conditions of this act by the corporations executing the same. The acceptance of the provisions of this act is an agreement by the Houston & Texas Central Railroad Company to abide by and submit to the rates, rules, regulations and requirements of the Railroad Commission of the State of Texas until the same are set aside by a court of competent jurisdiction on final trial.

SEC. 4. That all and singular, the railways and their franchises and appurtenances so sold shall be bound and liable upon and after any such sale to the same extent that each is now bound or liable, and no debt or claim against the owners at the time of such sale of any of the properties, franchises and appurtenances so sold, or said properties whether arising upon contract or from tort, or otherwise, shall be in any way affected or impaired by such sale, and any claim, suit or action of any character whatsoever, existing by or against the owners of either of said properties so sold at the time of such sale thereof shall or may be prosecuted after any such sale, in the same manner and to the same effect, and enforced in the same way as if no such sale had been effected; provided, that upon the purchase of the railroad of the Fort Worth & New Orleans Railway Company with its franchises and appurtenances by the Houston & Texas Central Railroad Company as authorized by this act, the right of way for that portion of the existing track of the Fort Worth & New Orleans Railway Company extending from the point of connection with the track of the Central Texas & Northwestern Railway Company near the western

limits of the city of Waxahachie, to the southeastern boundary line of Kaufman street in said city of Waxahachie, and the depot grounds adjacent to said track (which right of way and depot grounds were donated and heretofore conveyed to said Fort Worth & New Orleans Railway Company or occupied by it without the consent of the owner thereof) shall, without any further act upon the part of either of the companies named in this act, revert to and be vested in the persons donating or paying for and donating the same to the said Fort Worth & New Orleans Railway Company, or to the persons from whom the same was appropriated, in fee simple according to their respective interests therein, as the same may be equitably determined as between them, and the said railway company shall have no further interest therein; and the depot buildings upon said ground together with the rails and ties in said track may be removed by said railway company or its assigns, and said track shall be abandoned and discontinued.

SEC. 5. That after any such purchase the said Houston & Texas Central Railroad Company shall embrace such properties purchased by it and the operations thereof, in the reports required to be made to the Railroad Commission of Texas, or to any other officer or department of the government of the State by railroad companies and persons operating railroads, and the former owners of such properties so sold shall not be required to make reports in respect thereof.

SEC. 6. This act shall not effect, and shall not be construed as effecting in any way the suit heretofore instituted by the Attorney-General in the name and on behalf of the State of Texas against the Austin & Northwestern Railroad Company, and now pending in the Twenty-sixth Judicial District Court in and for Travis county, being suit No. 15,455 upon the docket of said court, and entitled, "State of Texas vs. Austin & Northwestern Railroad Company," and said suit may be prosecuted with the same effect and enforced in the same way as if this act had not been passed, if, in the judgment of the Governor or the Attorney-General, the same should be prosecuted. And if the Houston & Texas Central Railroad Company shall purchase the railroad of said Austin & Northwestern Railroad Company with its franchises and appurtenances, before the final termination of such suit, it shall take the same subject to all the rights of the State asserted or that may be hereafter asserted in said suit, and subject to all the rights of any other parties that may hereafter accrue by reason of the prosecution of such suit, and subject to the rights and power of the court in said cause to appoint a receiver of the property and affairs of the said Austin & Northwestern Railroad Company (if cause therefor shall exist irrespective of this act) to the same extent as if this act had not been passed. And if such purchase and sale shall be so made it shall be expressly stipulated in the conveyance as a condition thereof, that if a receiver shall be appointed in said cause after any such sale with direction and authority to take possession of the railroad and any other property of the Austin & Northwestern Railroad Company, then upon the qualification of such receiver, and upon demand by him therefor said Houston & Texas Central Railroad Company shall forthwith surrender and deliver to such receiver, the possession of the railroad and all other property, rights and franchises of the Austin & Northwestern Railroad Company, so sold and conveyed by it, to the Houston & Texas Central Railroad Company, under the authority of this act; and this act is passed upon the express consid-

eration of the acceptance of and faithful compliance with this condition, and in the event said Houston & Texas Central Railroad Company shall fail or refuse to perform the same, then all the rights, powers and privileges granted by this act shall terminate and be forfeited. Nor shall this act be construed as in any way affecting, impairing, waiving or condoning any ground that may now exist, if any, for forfeiting the charter of either of the companies named in this act, or any cause of action that the State may have against said company or either of them, if any, but any and all sales made under the authority of this act shall be subject to any such ground of forfeiture and cause of action, if any, and all such grounds of forfeiture and causes of action, if any exist, may be claimed and prosecuted with the same effect and enforced in the same way as if no such sale or sales had been made and as if this act had not been passed. Provided, that nothing in this act shall be construed as determining any facts that might be presumed to have been ascertained or determined by the Legislature in order to comply with Article 10, Sections 5 and 6, of the Constitution of the State of Texas, but such facts shall remain open to investigation and adjudication by the courts.

SEC. 7. That said Houston & Texas Central Railroad Company be, and it is hereby authorized to construct, own, operate and maintain, or to amend its charter or articles of incorporation so as to authorize it to construct, own, operate and maintain a railroad from a connection with the railroad now owned by the Austin & Northwestern Railroad Company to the town of Lampasas, in Lampasas county; and if there shall be donated to said Houston & Texas Central Railroad Company a right of way two hundred feet in width along such new line, from the intersection of the same with the boundary line between Burnet and Lampasas counties to the town of Lampasas and reasonably adequate right of way through, and station yard grounds within the town of Lampasas, then said Houston & Texas Central Railroad Company shall construct and put in operation such railroad from such connection with the existing Austin & Northwestern Railroad to the town of Lampasas within two years of the taking effect of this act, otherwise all the powers, rights and privileges granted by this act shall be null and void. Provided, that said Houston & Texas Central Railroad Company shall establish and maintain division headquarters in the city of Austin.

SEC. 8. That the near approach of the close of this session, the large amount of business to be disposed of by the Legislature at this session, and public benefit to be derived from the speedy extension of a line of railway to Lampasas, creates an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and creates an emergency that this act shall take effect from and after its passage, and such rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by a two-thirds vote, yeas 16, nays 5.]

Approved May 20, 1899.

## STOCK LAW.

H. B. No. 595.]

## CHAPTER CXXVIII.

An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, or in any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin and Brazos.

SECTION. 1. *Be it enacted by the Legislature of the State of Texas:* Upon the written petition of one hundred freeholders of any of the following named counties: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin or Brazos county, Texas, or upon the petition of fifty freeholders of any subdivision of any of the above named counties, the commissioners' court of said county shall order an election to be held in said county or subdivision, on some day named in the order, for the purpose of enabling the freeholders of such county or subdivision to determine whether horses, mules, jacks, jennets, or cattle shall be permitted to run at large in such county or subdivision; provided, that where there is an application for an election to include an entire county, there shall not be less than twelve freeholders from each justice precinct of said county as signers to the petition for such election.

SEC. 2. Whenever there is territory between two subdivisions of a county which have adopted the stock law, and in such intervening territory there are less than fifty freeholders, an election shall be ordered on the petition of a majority of the freeholders residing in such intervening territory, and the election shall be held as provided by law in other cases relating to the adoption of the stock law.

SEC. 3. Such petition shall set forth clearly the class or classes of animals enumerated in the preceding article which the petitioners desire shall not run at large in such county or subdivision, as the case may be; and if the petition be from the freeholders of a subdivision of any county, such subdivision shall be particularly described and the boundaries thereof designated.

SEC. 4. Upon the filing of such petition the commissioners' court at the next regular term thereafter, shall pass an order directing an election to be held throughout the county or the particular subdivision thereof, as the case may be, on a day to be designated in the order, not less than thirty days from the date of such order, which election shall be held and conducted and the returns thereof made in accordance with the laws regulating general elections, in so far as the same are applicable.

SEC. 5. Immediately after the passage of an order for an election by the commissioners' court, the county judge shall issue an order for such election and cause public notices thereof to be given for at least thirty days before the day of election, by publication of the order therefor in some newspaper published in the county, if there be one; if no newspaper be published in the county, then by posting copies of such order at the court house door and at some public place in each justices precinct, if the election be ordered for the whole county, or at three public places in the subdivision if the election be ordered for a subdivision.

SEC. 6. The order of the county judge shall specify:

1. The petition and the action of the commissioners' court.
2. The class of animals it is proposed shall not run at large.
3. The territorial limits to be affected.
4. The day of election.
5. The places at which polls are to be opened.

SEC. 7. If the election is ordered for the whole county, the same shall be held at the usual voting places in the several election precincts; but if the election is ordered for any particular subdivision, the county judge shall designate the particular places in such subdivision at which the polls shall be opened.

SEC. 8. If the election be for a subdivision of the county, the county judge shall, at the time he issues the order for such election, appoint proper persons as managers of said election, all of whom shall be freeholders of the county and qualified voters, and such managers may appoint their own clerks.

SEC. 9. No person shall vote at any election, under the provisions of this chapter, unless he be a freeholder and is a qualified voter under the Constitution and laws.

SEC. 10. All votes at any election, in pursuance of this chapter, shall be by ballot, and voters desiring to prevent the animals designated in the order from running at large, shall place upon their ballots the words "For the Stock Law," and those in favor of allowing such animals to run at large, shall place upon their ballots the words, "Against the Stock Law."

SEC. 11. On or before the tenth day after any election under the provisions of this chapter, the persons holding such election shall make due return on all the votes cast at their respective voting places for and against said proposition, to the county judge of the county, who shall tabulate and count said returns and ascertain the results of said election.

SEC. 12. The returns shall be opened, tabulated and counted by the county judge in the presence of the county clerk and at least one justice of the peace of the county, or of two respectable freeholders of the county.

SEC. 13. If a majority of the votes cast at such election shall be "For the Stock Law" the county judge shall immediately issue his proclamation declaring the result, which proclamation shall be posted at the court house door, and after the expiration of thirty days from its issuance, it shall be unlawful to permit to run at large, within the limits designated, any animal of the class mentioned in said proclamation.

SEC. 14. If any stock forbidden to run at large shall enter the enclosed lands or shall, without being herded, roam about the residence, lots or cultivated lands of any person other than the owner of such stock without his consent, in any county or subdivision in which the provisions of this chapter have become operative in the manner provided in the preceding section, the owner, lessee or person in lawful possession of such lands, may impound such stock and detain the same until his fees and all damages occasioned by said stock are paid to him.

SEC. 15. No animal shall be impounded unless they have entered upon the enclosed lands or be found roaming about the residence, lots or cultivated land of another, and whenever any stock is impounded, notice thereof shall be given to the owner, if known, and such owner shall be entitled to their possession upon payment of fees and damages.

SEC. 16. Any owner, lessee or person in lawful possession of enclosed

lands shall be entitled to the following fees for impounding stock, to wit: Twenty-five cents per day per head, for horses and mules; fifteen cents per day per head for cattle, and ten cents per day per head for jacks and jennets. The damages done by such stock, if any, and the fees due to the taker up of stock, if any, may be assessed by any three disinterested freeholders of the subdivision in which said stock is taken up, who shall, upon the application of the taker up of the stock, be appointed by the justice of the peace of the precinct in which such subdivision is situated. When such justice shall fail or refuse to make appointments or when the stock law has been adopted by an entire county, said freeholders shall be appointed by the county judge of the county. Said freeholders, after being duly sworn to discharge with impartiality the duties devolving upon them by said appointment, shall proceed after hearing the evidence to determine whether or not any trespass prohibited by the provisions of this chapter has been committed, and to ascertain the damages, if any, occasioned thereby, and the fees due the taker up of the stock by reason of said trespass, and shall make an assessment of damages and fees in writing and signed by said freeholders, or two of them, and verified by the affidavit of said freeholders to the effect that said assessment is just, and that they have no bias in favor of or prejudice against any party interested therein, and shall file said assessment with the justice of the peace which shall be final; provided, that the owner of the stock, if known, shall have five days notice of the time and place of the meeting of said freeholders, and if the owner is unknown, then a written notice thereof shall be posted in two public places in said subdivision, and one at the door of the court house of the county; and provided further, that nothing in this chapter shall be construed to deprive the taker up of the stock to enforce, by suit in a court of competent jurisdiction, any claim he may have for such fees and damages, and to subject the stock so taken up for the payment of the same under the provisions of this chapter.

SEC. 17. After the filing of the assessment as provided for in the preceding section, the constable of the precinct shall sell such stock at public auction for cash, after having given notice of such sale, as in constables' sales of personal property, and apply the proceeds of such sale, after deducting the expenses thereof, to the satisfaction of said fees and damages, and shall pay the balance, if any remains, to the owner of such stock. The justices and constables shall receive for their services the same compensation as is allowed for like services in civil cases.

SEC. 18. If no owner can be found of stock so impounded, the taker up may make affidavit before a justice of the peace of the county, describing the stock impounded by him, and that the owner is unknown to affiant, which affidavit shall be forthwith delivered to the county clerk by such justice to be kept in his office for inspection. After the filing of such assessment, the constable of the precinct shall sell such stock as in case when the owner is known, and if anything remains after satisfying the expenses of said sale and the fees and damages due to the taker up, he shall report the same under oath to the clerk of the county court and pay the same over to the county treasurer, to be received and disbursed by him as in case of sales of estrays, or the taker up may, at his option, after the expiration of five days stray such stock according to the laws regulating estrays in this State.

SEC. 19. After the adoption of the stock law in any county or subdi-



vision, any fence within such county or subdivision shall be deemed a lawful fence if it be sufficient to keep out the classes of stock not affected by the provisions of this chapter.

SEC. 20. Whenever an election is held under the provisions of this chapter for any county or subdivision, and the proposition of a stock law as herein provided is defeated, no other election for such purpose shall be held within that locality for the space of twelve months thereafter; but the defeat of the proposition for a county shall not prevent another election from being held immediately thereafter for any subdivision of such county, nor shall a defeat of the proposition for any subdivision prevent an election from being held immediately thereafter for the entire county.

SEC. 21. The fact that there is no law in said counties to prohibit stock from running at large creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives and Senate with amendments; House concurred in Senate amendments; no vote given in either instance.]

[NOTE.—The foregoing act was presented to the Governor of Texas for approval on the twentieth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

## TEXAS & NEW ORLEANS RAILROAD COMPANY—CONSOLIDATION.

S. B. No. 144.]

### CHAPTER CXXIX.

An Act to authorize the Texas & New Orleans Railroad Company to own and operate, or to amend its charter or articles of incorporation so as to authorize it to own and operate, a railroad connection between the railroad known as the Sabine & East Texas Railway, and the railroad known as the Texas Trunk Railroad, and to construct such railroad as may be requisite for the purpose of making such railroad connection; to confirm the purchase by the Texas & New Orleans Railroad Company of said railroad known as the Sabine & East Texas Railway, its franchises and appurtenances, and to authorize said railroad company to own and operate the same; to authorize said Texas & New Orleans Railroad Company to purchase, own and operate the railroad known as the Texas Trunk Railroad, with its franchises and appurtenances, and the railroad known as the Louisiana Western Extension Railroad, with its franchises and appurtenances; to authorize the owners of each of said railroads to sell the same, with its franchises and appurtenances, to the said Texas & New Orleans Railroad Company, and to prescribe the conditions upon which such sale shall be valid; to authorize the Texas & New Orleans Railroad Company to issue additional mortgage bonds to the amount of the value, as the same is or may be fixed by the Railroad Commission of Texas, of such of said railroads and their respective franchises and appurtenances as may have been so purchased by it, and to the amount of the value, as the same may be so fixed, of the railroad to be constructed as aforesaid connecting the Sabine & East Texas Railway with the Texas Trunk Railroad; and to regulate the reports of such properties and the operation thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Texas & New Orleans Railroad Company be and it is hereby authorized to own and operate or to amend its charter or articles of incorporation so as to authorize it to own and operate a railroad connection between the railroad known as the Sabine & East Texas Railway and the railroad known as the Texas Trunk Railroad, thus forming a continuous line of railroad from the city of Dallas by way of Athens, providing that the citizens of Athens and Henderson county shall secure and donate or tender within six months of the passage of this act a right of way through Henderson county, one hundred feet in width, and adequate right of way and depot grounds in the town of Athens; said donation to convey good title to such right of way and depot grounds to said Texas & New Orleans Railroad company; to the present terminus of said Sabine & East Texas Railway at or near Sabine Pass, and to construct such railroad as may be requisite for making such railroad connection; provided, however, that if said Texas & New Orleans Railroad Company shall not perfect one hundred miles of such railroad connection within two years from the passage of this act, fifty miles of which shall be built and perfected during the first year after the passage of this act; and the entire connection so as to form such continuous line within four years from such date, then upon its failure, in either event, all the rights, powers and privileges granted by this act shall be null and void.

SEC. 2. That the purchase by the said Texas & New Orleans Railroad Company of the said Sabine & East Texas Railway, with its franchises and appurtenances, be and the same is hereby ratified and confirmed, and said Texas & New Orleans Railroad Company is hereby authorized to own and operate said railroad with its franchises and appurtenances.

SEC. 3. That the said Texas & New Orleans Railroad Company be and it is hereby authorized to purchase, own and operate the railroad heretofore known as the "Texas Trunk Railroad" extending from a point in or near the city of Dallas to a point at or near what is known as Cedar Station, in Kaufman county, with its franchises and appurtenances; and the railroad known as the "Louisiana Western Extension Railroad," extending from a connection with its line at a point in or near the town of Orange to the Sabine river, in Orange county, Texas, with its franchises and appurtenances, and the owner or owners of each of said railroads and their franchises and appurtenances are hereby authorized and empowered to sell the same to said Texas & New Orleans Railroad Company.

SEC. 4. That the said Texas & New Orleans Railroad Company may issue additional mortgage bonds to the amount of the value of said Texas Trunk Railroad and said Louisiana Western Extension Railroad with their franchises and appurtenances, or so much of them as shall be so purchased as such value has been or shall be ascertained and determined by the Railroad Commission of Texas, under the provisions of the act entitled "An Act to define franchises; to make public the value of railroads; to make effective Section 6, Article 12, of the Constitution of the State of Texas; to declare the effect of judicial and other sales of railroads; to limit the amount of stocks and bonds and other indebtedness that may be issued by railroad companies and to regulate the manner of issuing, registering and securing the same; to prescribe penalties for violating the provisions of this act, and to prescribe the duties of the

Railroad Commission and Attorney-General in relation thereto," approved April 18, 1893, and amendments made or which may be made thereto, but not otherwise; provided, that before said Texas & New Orleans Railroad Company shall be authorized to issue additional bonds to the amount of the value of the said Louisiana Western Extension Railroad any existing bonds and outstanding capital stock, if any, of the Louisiana Western Extension Railroad Company shall be cancelled and satisfactory evidence of such cancellation thereof shall be furnished said Railroad Commissioner, and before said Texas & New Orleans Railroad Company shall be authorized to issue additional bonds to the amount of the value of the Texas Trunk Railroad, satisfactory evidence shall be furnished to the Railroad Commission of Texas that the title of said Texas & New Orleans Railroad Company to said Texas Trunk Railroad is not subject to any lien, for the benefit of the bonds heretofore issued by the Texas Trunk Railroad Company thereon; provided, that neither the railroad known as the Texas Trunk Railroad nor the railroad known as the Louisiana Western Extension Railroad, nor any railroad which shall be constructed in making the railroad connections between the railroad known as the Sabine & East Texas Railway and the railroad known as the Texas Trunk Railroad shall be subject to any mortgages heretofore executed by the Texas & New Orleans Railroad Company.

Sec. 5. That said Texas & New Orleans Railroad Company shall also have the right to issue additional mortgage bonds to the amount of the value of the railroad, which shall be constructed by it to connect the lines now known as the Sabine & East Texas Railway, and the Texas Trunk Railroad, as such value shall be ascertained and determined by the Railroad Commission of Texas, under the provisions of the aforesaid Act of April 8, 1893, or any amendment made or which may be made thereto, but not otherwise.

Sec. 6. That all and singular the railroads and their franchises and appurtenances so sold shall be bound and liable upon and after any such sale to the same extent that each is now bound or liable, and no other debt or claim against the owners at the time of such sale of any of the properties, franchises and appurtenances so sold, or said properties, whether arising upon contract or from tort or otherwise, shall be in any way affected or impaired by such sale, and any claim, suit or action of any character whatsoever, existing by or against either of the owners of said properties so sold, at the time of such sale thereof, shall or may be prosecuted after any such sale in the same manner and to the same effect and enforced in the same way as if no such sale had been affected; provided, that the powers and rights herein granted to the Texas & New Orleans Railroad Company shall be forfeited unless said Texas & New Orleans Railroad Company shall, within sixty days after this act becomes a law, pay to the American National Bank, at Dallas, the sum of ten thousand (\$10,000) dollars, to be applied by said bank in the pro rata payment of those certain claims reduced to judgment in the United States Circuit Court at Dallas, against the Texas Trunk Railroad Company, and designated and classified as fourth class claims in the decree of the United States Circuit Court for the Northern District of Texas, at Dallas, entered in the suit of the Central Trust Company of New York, complainant, against the Texas Trunk Railroad Company, defendant, No.

193, in equity, said sum of ten thousand (\$10,000) dollars, to be in full payment and satisfaction of all of said claims, and the receipt of said bank, signed by its cashier, to be sufficient evidence of the payment by said railroad company to said bank of the sum of ten thousand dollars.

SEC. 7. That after any such purchase the said Texas & New Orleans Railroad Company shall embrace such properties purchased by it, and the operations thereof in the reports required to be made to the Railroad Commission of Texas, or any other officer or department of the State government of this State, by railroad companies, and the persons operating railroads; and the former owners of such properties so sold shall not be required to make reports in respect thereof.

SEC. 8. That so much of the charter or of any special law heretofore enacted which authorizes or empowers, or which may be construed to authorize or empower said Texas & New Orleans Railroad Company to consolidate its stock, property or franchises with or in any way control any railroad corporation owning or having under its control a parallel or competing line; or to consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other state or of the United States, be and the same are hereby repealed; and the acceptance of the provisions of this act by the said Texas & New Orleans Railroad Company shall be construed to be a complete acceptance of all the provisions of the Constitution of this State applicable to railroads.

SEC. 9. That no purchase of the said Louisiana Western Extension Railroad or the said Texas Trunk Railroad shall be valid until the agreement in writing evidencing such purchase shall have been filed in the office of the Secretary of State, which agreement or agreements, when so filed, shall be deemed and taken as conclusive evidence of the acceptance of all the terms, provisions and conditions of this act by the corporations and persons executing the same.

SEC. 9a. This act shall not be construed as in any way affecting, impairing, waiving or condoning any cause of action or ground that may now exist for forfeiting the charter of either of the companies named in this act, for the violation of any provision of the Constitution of this State, but any and all sales made under the authority of this act shall be subject to such cause of action or ground of forfeiture, if any exists, and such cause of action or ground of forfeiture may be prosecuted and claimed with the same effect and enforced in the same way as if no such sale had been made, and as if this act had not been passed.

SEC. 10. That said Texas & New Orleans Railroad Company, its officers, agents and employes, shall be and they are hereby prohibited from demanding or receiving, and it shall be unlawful for it or them to demand or receive from any county, city or town, through on into which the line of railroad mentioned in Section 1 of this act may be hereafter located or constructed, or from the citizens or residents of any such county, city or town, any bonus or donation for locating or constructing such line of railroad through such county, city or town, except a right of way two hundred feet in width through such county and adequate right of way and depot and yard grounds in such cities and towns; and if any bonus or donation, except as herein authorized, shall be received, the county, city, town or person paying the same shall have the right to recover the same in any court of competent jurisdiction, together with interest, costs and reasonable attorney's fees.

SEC. 11. That the large amount of business to be disposed of by the Legislature at this session, and public benefit to be derived from the speedy completion of a continuous line of railway from Dallas to Sabine Pass, create an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and a case of emergency that this act should take effect from its passage, such rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 2; and was reported to the House where it was amended and passed, no vote given. Senate refused to concur in House amendments and asked for Free Conference Committee. Free Conference Committee report adopted by the Senate by vote, yeas 20, nays 2; Free Conference Committee report adopted by House, vote not given.]

Approved May 22, 1899.

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## GULF, BEAUMONT & KANSAS CITY RAILWAY COMPANY—CONSOLIDATION.

S. B. No. 306.]

CHAPTER CXXX.

An Act to authorize the Gulf, Beaumont & Kansas City Railway Company to purchase, own and operate the railroad, including all the property, property rights, franchises and appurtenances of the Gulf, Beaumont & Great Northern Railway Company, now existing or that may hereafter be built or acquired by the Gulf, Beaumont & Great Northern Railway Company; and to authorize the Gulf, Beaumont & Kansas City Railway Company, in the name of the Gulf, Beaumont & Great Northern Railway Company, to issue bonds and to secure the same by mortgage upon the railway property, property rights and franchises of the Gulf, Beaumont & Great Northern Railway Company, under orders of the Railroad Commission of Texas, and to enable the said corporation, the Gulf, Beaumont & Great Northern Railway Company, to construct this proposed line of railway as provided in its charter, and for said purpose to raise money through the issuance of stock and bonds, under the direction of the Railroad Commission.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Gulf, Beaumont & Kansas City Railway Company be and it is hereby authorized and empowered to purchase, own and operate the line of railroad authorized to be built under the charter of the Gulf, Beaumont & Great Northern Railway Company, which said charter was filed in the office of the Secretary of State of the State of Texas on the fifth day of August, A. D. 1898, or any amendments thereof which may be hereafter adopted, approved and filed according to law, together with its franchises and appurtenances and corporate rights and powers, and all surveys, profiles, field books, rights of way, and all other property and assets belonging to said Gulf, Beaumont & Great Northern Railway Company in the counties named in its said charter, and in such other counties as may be hereafter specified by amendment to said charter. And the owners of the said Gulf, Beaumont & Great Northern Railway, its franchises and appurtenances, are hereby authorized to sell same to the Gulf, Beaumont & Kansas City Railway Company; provided, that

this act shall not be construed to authorize the construction of but one line of railroad under the two charters consolidated; and, provided further, that it shall not be construed so as to prevent the construction of branch lines under the General Laws of the State.

SEC. 2. That in case said Gulf, Beaumont & Great Northern Railway Company, with its franchises, appurtenances and property, be purchased by the Gulf, Beaumont & Kansas City Railway Company, the latter company, in the name of the Gulf, Beaumont & Great Northern Railway Company, shall be and is hereby authorized to issue its stock and bonds, the bonds bearing interest at a rate not greater than six per centum per annum, and to be secured by mortgage upon the road property, franchises and appurtenances so purchased, and the road to be thereafter built, and other property thereafter acquired in the name of the Gulf, Beaumont & Great Northern Railway Company, in amount equal in value to said property, and said franchises so purchased, built or acquired as such value is or shall be ascertained and determined by the Railroad Commission of Texas. Said bonds shall be a lien on all the railroad of the Gulf, Beaumont & Great Northern Railway Company now built or that may be hereafter built and its franchises and appurtenances, whether the same be built by the Gulf, Beaumont & Great Northern Railway Company or whether the same be built by the Gulf, Beaumont & Kansas City Railway Company, after any purchase thereof authorized by this act, and that the value of such road and property, as a basis for the issuance of said bonds, shall be such as has been or may hereafter be ascertained and determined by the Railroad Commission of Texas in pursuance of the provisions of Chapter fourteen (14), Title ninety-four (94), of the Revised Statutes of the State of Texas, relating to the issuance of stocks and bonds by railway companies in Texas; provided, that before such bonds shall be issued in reference and respect to said Gulf, Beaumont & Great Northern Railway, its franchises and appurtenances, all existing bonds (if any) which may be a lien on said Gulf, Beaumont & Great Northern Railway, its franchises and appurtenances, shall be cancelled and the Railroad Commission of Texas shall require evidence satisfactory to it of such cancellation before approving or ordering registration of the bonds authorized by this act to be issued in respect of such railway, its franchises and appurtenances; and, provided further, that said railway, with its franchises and appurtenances so purchased, shall not be subject to any mortgage or mortgages heretofore executed by the Gulf, Beaumont & Kansas City Railway Company; and, provided further, that in determining the amount of stock and bonds which may be issued by said Gulf, Beaumont & Great Northern Railway Company or upon its road, corporate rights, properties, franchises and appurtenances, the Railroad Commission shall not take into consideration the amount of stock and bonds issued by the Gulf, Beaumont and Kansas City Railway Company upon the road or property acquired or built under its own charter.

SEC. 3. That no such purchase shall be valid until the agreement in writing evidencing such purchase shall have been filed with the Secretary of State, which agreement, so filed, shall be deemed and taken as conclusive evidence of the acceptance of the terms, provisions and conditions of this act by the corporations executing the same.

SEC. 4. That said Gulf, Beaumont & Great Northern Railway Company shall be bound and liable upon and after such sale to the same

extent that it is now bound and liable for any debts, claims or demands now existing against it, and no debt or claim against the company, at the time of such sale, whether arising from contract or from tort, shall be in any way affected or impaired by such sale.

SEC. 5. That after such purchase the Gulf, Beaumont & Kansas City Railway Company shall embrace the property so purchased and that afterwards created or acquired under the charter of the Gulf, Beaumont and Great Northern Railway Company, and the operation thereof, in the reports made by the said Gulf, Beaumont & Kansas City Railway Company to the Railroad Commission of Texas and to other officers or departments of the government, as required by the laws of the State. And said Gulf, Beaumont & Great Northern Railway Company shall not, after such purchase and sale, be required to make any reports in respect to its said property or the operations thereof. By accepting the provisions of this act the Gulf, Beaumont & Kansas City Railway Company agrees to abide by the rates, rules and regulations of the Railroad Commission of the State of Texas, until the same are set aside by a court of competent jurisdiction on final hearing.

SEC. 6. The fact that the calendar is greatly crowded, and that this bill is of the greatest importance to secure a railroad in a section of the State not having one at present, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, vote not given, and was reported to the House where it was amended and passed by the House of Representatives, vote not given; Senate concurred in House amendments by two-thirds vote, yeas 22, nays 2.]

Approved May 22, 1899.

## BONDS OF GUARDIANS—SURETY COMPANIES.

H. B. No. 624.]

### CHAPTER CXXXI.

An Act to amend Chapter 54 of the Acts of the Twenty-fifth Legislature, the same being an act entitled "An Act to amend Article 2601, Chapter 6, Title 51, of the Revised Civil Statutes of the State of Texas, relating to bonds of guardians and sureties thereon," so as to authorize the giving of such bonds by companies organized in other States, and authorized to do business in this State; and to validate bonds of guardians heretofore given in this State by companies organized under the laws of other States.

SECTION. 1. *Be it enacted by the Legislature of the State of Texas:* That Section 1, Chapter 54, of the acts of the Twenty-fifth Legislature, the same being An Act to amend Article 2601, Chapter 6, Title 51, of the Revised Civil Statutes of the State of Texas, relating to bonds of guardians and sureties thereon, be so amended as to hereafter read as follows:

Article 2601. Any bond required by the provisions of this chapter to be given by a guardian shall be subscribed by such guardian and by at

least two good and sufficient sureties, to be approved by the county judge of the county in which the guardianship is pending, or such bond shall be subscribed by such guardian and by one or more corporations authorized and empowered to issue and execute guaranty or indemnity bonds, guaranteeing the fidelity of executors, administrators and guardians, and authorized to carry on such business in this State by the laws thereof, and where a guardian's bond is made with a corporation or corporations as surety or sureties thereon, the provisions requiring two sureties shall not apply, but the same may be made with one corporation as surety, if the judge of the court shall deem such surety sufficient; provided, that in all cases where such bond is made by any corporation authorized to issue and execute guaranty or indemnity bonds the premium on such bond shall be paid by the guardian, and shall not be paid out of the estate of his ward.

SEC. 2. All bonds of guardians heretofore made in this State with a corporation or corporations as surety or sureties thereon are hereby validated and made effectual in like manner to the same extent as if made under the provisions of this act.

SEC. 3. Whereas, it has been recently held by a court of high authority in this State that only such corporations are authorized to become surety or sureties on the bonds of guardians as are organized and created under the laws of this State; and,

Whereas, there have been many bonds of guardians made in this State with corporations as sureties thereon which were organized under the laws of other States and authorized to do business in this State; and,

Whereas, it is important that the law should be made clear and unambiguous, so as to conform to the provisions of Chapter 165 of the acts of the Twenty-fifth Legislature, relating to corporate security; and,

Whereas, it is necessary to validate such bonds as have been made with corporations organized under the laws of other States as sureties thereon;

Therefore, an urgent emergency and imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read upon three several days, wherefore said rule is suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by vote, yeas 22, nays 0.]

Approved May 23, 1899.

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## PERMANENT SCHOOL FUND—INVESTMENT.

S. B. No. 92.]

CHAPTER CXXXII.

An Act to amend Article 3893, Chapter 6, Title 86, of the Revised Civil Statutes of the State of Texas, 1895, relating to the investment of the permanent school fund of the State of Texas in county bonds.

SECTION. 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3893, Chapter 6, Title 86, of the Revised Civil Statutes of the State of Texas, 1895, relating to the investment of the permanent



school fund of the State of Texas, be amended so as to hereafter read as follows:

Article 3893. Nothing in the preceding articles shall be so construed as to relieve the Comptroller or Board of Education from the duty of a careful examination of the bonds offered as an investment for the permanent public free school fund of the State, an investigation of the facts tending to show the value and validity thereof, and the Board of Education may decline to purchase the same unless satisfied that they are a safe and proper investment for such funds, and it shall be the duty of the Board of Education and Comptroller to decline to purchase the bonds of any county whose indebtedness, inclusive of the bonds so offered, shall exceed five per cent. of the assessed value of the real estate of such county, as shown by the last approved assessment rolls of such county on file in the Comptroller's office, and if default be made in the payment of interest when due upon any such bonds the Board of Education may, at any time prior to the payment of such overdue interest elect to treat the principal as also due, and the same shall thereupon, at the option of the Board of Education, become due and payable, and the payment of both such principal and interest shall in all cases be enforced in such manner as is or may be provided by law, and the right to enforce such collection shall never be barred by any law or limitation whatever.

SEC. 2. This act shall not be construed to conflict with or to repeal an act on the same subject passed by the present Legislature and approved April 20, 1899, and this act shall be deemed and held cumulative of said act.

SEC. 3. Whereas, there is now lying idle in the State treasury a large amount of money belonging to the permanent school fund of this State, which the Board of Education are unable to invest in county bonds, for the reason that said Article 3893 limits the investment of said fund by the Board of Education in the bonds of any county that do not bear interest at the rate of at least five per cent. per annum, therefore an emergency exists, and an imperative public necessity requires that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and reported to the House, where it was amended and passed by a two-thirds vote, yeas 91, nays 0, and reported back to the Senate. Senate amended House amendment and concurred in same by a two-thirds vote, yeas 21, nays 0. The House concurred in Senate amendment to House amendment by a two-thirds vote, yeas 94, nays 3.]

Approved May 23, 1899.

Takes effect May 23, 1899.

## LIBERTY COUNTY ROAD SYSTEM—AMENDMENT.

H. B. No. 817.]

CHAPTER CXXXIII.

An Act to amend an act known as House bill No. 444, enacted by the Twenty-sixth Legislature, creating a more efficient system of public roads and bridges for Liberty county, providing for the issuance of bonds by said county for the purpose of constructing permanent public roads; to authorize the investment of the permanent school funds of the State and of said county in such bonds; to prescribe and define the powers and duties of the commissioners' court in reference thereto, and to validate public roads heretofore laid out and established in said county.

SECTION. 1. *Be it enacted by the Legislature of the State of Texas:* That Sections 5 and 7, of House bill No. 444, enacted by the Twenty-sixth Legislature, be so amended as to hereafter read as follows:

Section 5. If at the election herein provided for a majority of the qualified voters at such election shall vote in favor of the resolution provided for in Section 3 of this act, and after the commissioners' court has canvassed the said vote, and declared the result, and after the proclamation of the county judge, declaring the result, has been posted for at least thirty days, it shall be the duty of the county commissioners' court to prepare and execute the bonds of the county for such sums as may be deemed advisable by said commissioners' court; said bonds to bear not exceeding five per cent. interest, payable annually, and which shall be redeemable in not less than ten years, and not more than forty years from date thereof, the maturity to be expressed on the face of said bonds, and the same shall not be sold or negotiated for less than their face or par value; provided, that in no case shall said county issue bonds under this act for a greater sum or amount than a levy of fifteen cents on the one hundred dollars valuation of such county, as will yield sufficient revenue to pay the interest as it accrues and will at the same time create a sinking fund sufficient to pay the principal at maturity; provided further, that the issuance of all bonds under this act shall in all respects conform to the General Laws of this State in regard to the issuance of bonds by counties, cities and towns, and especially in conformity with and under the provisions of Articles 918d, 918e and 918f, Revised Statutes of Texas of 1895.

Section 7. Whenever there shall be or remain in the treasury of this State any moneys to the credit of the permanent school fund, uninvested, the State Board of Education is authorized and empowered to lend the same to said county, when it shall have complied with the foregoing provisions of this act, by purchasing at par value the permanent road and bridge bonds of said county, when satisfactory evidence is presented to said Board that all the provisions of this act, as well as all other laws relating to the investment of the school fund of this State, have been complied with, and the State Board of Education shall have the preference to purchase said permanent road and bridge bonds when there is sufficient permanent school funds in the treasury, and they are satisfied that all the requirements of law in reference to the issuance of said bonds, as well as all other laws relating to the investment of the school fund of this State, have been complied with. Should there not be sufficient money in the treasury to the credit of the permanent school fund to purchase the whole

issue of such county road and bridge bonds, then the State Board of Education may purchase said bonds to the extent of the funds on hand, or the county commissioners' court may, at their option, place said issue of bonds elsewhere as to them may seem best for the interest of the county; and in like manner the county permanent school fund may be invested in such bonds; and whenever said county shall have on hand permanent school funds uninvested, the said county shall have the preference to invest said fund in the road and bridge bonds of said county.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-third day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him, and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

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## APPEAL—PERFECTING IN CRIMINAL CASES.

S. B. No. 95.]

### CHAPTER CXXXIV.

An Act to provide for perfecting appeal in criminal cases from convictions had in justice courts, or other inferior courts, to the county court.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That in appeals from the judgment of justices of the peace and other inferior courts when the appeal bond provided for in Article 889, of the Code of Criminal Procedure of the State of Texas, has been filed with the justice or court trying the same, the appeal in such case shall be held to be thereby perfected, and no appeal shall be dismissed on account of the failure of the defendant to give notice of appeal in open court, nor on account of any defect in the transcript.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. The provisions of this act shall apply to all cases now pending in county courts and the Courts of Criminal Appeals.

SEC. 4. The urgent necessity of this law creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is therefore suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 25, nays 0; and passed the House of Representatives, no vote given.]

Approved May 23, 1899.

## PUBLIC SCHOOLS—COURSE OF STUDY—AMENDMENT.

H. B. No. 107.]

## CHAPTER CXXXV.

An Act to amend Article 3909a, Title 86, Chapter 7, of the Revised Civil Statutes of the State of Texas, 1895, relating to the course of study taught in the public schools of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3909a, of the Revised Civil Statutes, be amended so as to hereafter read as follows:

Article 3909a. All public schools in this State shall be required to have taught in them orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, composition, physiology and hygiene, including the effects of alcoholic stimulants and narcotics on the human system, and a system of humane treatment of animals, as embodied in the laws of Texas; such humane instruction to consist of one lesson of not less than ten minutes every two weeks. Provided, it shall never be lawful to require the pupils in the public schools of this State to purchase extra books for the purpose of teaching such humane treatment of animals. And the School Book Commission of the State of Texas shall not adopt any system of books to be used in the free schools of Texas in connection with the teaching of the humane treatment of animals.

SEC. 2. The fact that there is now no system of humane treatment of animals taught in the public schools of Texas, and in order that the system may at once be put in operation creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and referred to Senate. Passed the Senate with amendment by a vote of 16 yeas, 5 nays; House concurred in Senate amendments, no vote given.]

Approved May 23, 1899.

## ESTRAYS—AMENDMENT.

S. B. No. 290.]

## CHAPTER CXXXVI.

An Act to amend Article 4968 (4584), Title 102, Chapter 4, of the Revised Statutes of 1895, relating to estrays.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 4968 (4584), Title 102, Chapter 4, of the Revised Statutes of 1895, be amended so as to hereafter read as follows:

Article 4968 (4584). No animal enumerated in Article 4967, except work oxen, shall be subject to be estrayed unless the same shall have been known to the taker up as being an stray for at least four months previous to the time of estraying the same.

Approved May 23, 1899.

Takes effect 90 days after adjournment.

## LANDS—SALE OF ATTACHED AND ISOLATED PARCELS.

S. B. No. 316.]

## CHAPTER CXXXVII.

An Act to amend Article 4218y, of Chapter 129, Acts of 1897, providing for the sale of isolated and detached lands in certain counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 4218y, of Chapter 129, Acts of 1897, be so amended as to hereafter read as follows:

Article 4218y. The Commissioner of the General Land Office may withhold from lease, any agricultural lands necessary for the purpose of settlement, and no agricultural lands shall be leased if, in the judgment of the Commissioner, they may be in immediate demand for settlement; but such lands shall be held for settlement and sold to actual settlers only under the provisions of this chapter; and all surveys and fractions of surveys in all counties organized prior to the first day of January, 1875, which surveys are isolated and detached from other surveyed school lands, may be sold to any purchaser, except to a corporation, without actual settlement at not less than one dollar per acre, upon the same terms as other public lands are sold under the provisions of Chapter 129, of the Acts of 1897.

SEC. 2. The fact that a great deal of the lands mentioned herein are valuable, and the present law would seem to prevent the sale of them for more than \$1.00 per acre, except in cases of voluntary offer, to the detriment of the school fund, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 1; and was reported to the House, where it was amended and passed, no vote given. Senate refused to concur in House amendments, and asked for Free Conference Committee. Report of Free Conference Committee adopted by the Senate, no vote given; and adopted by House of Representatives, no vote given.]

Approved May 23, 1899.

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CORPORATIONS—AMENDMENT—MASONIC AND OTHER  
BENEVOLENT ORGANIZATIONS.

S. B. No. 166.]

## CHAPTER CXXXVIII.

An Act to amend Article 713, of Chapter eleven, Title twenty-one, of the Revised Civil Statutes of the State of Texas, and to add Article 713a to said Chapter eleven, Title twenty-one, of said Revised Civil Statutes of the State of Texas, relating to the purposes for which private corporations may be created.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 713, of Chapter 11, Title 21, of the Revised Civil Statutes of the State of Texas (1895), be amended so as to hereafter to read as hereinafter set forth, and that Article 713a, be added to said Chapter 11, of Title 21, of said Revised Civil Statutes of the State of Texas as hereinafter set forth.

Article 713. Any religious society, military or fire company, literary or social, charitable or benevolent association, other than colleges, universities, academies or seminaries, may, by the consent of a majority of its members, become bodies corporative under this title, electing directors or trustees, and performing such other things as are directed in the case of other corporations; and when so organized, shall have all the powers and privileges, and be subject to all the restrictions in this title contained, for the objects named in the charter, and shall have the same power to make by-laws for the regulation of their affairs as other corporations. Such directors or trustees shall not usurp or exercise the functions of the officers in charge of the spiritual affairs of any society.

Article 713a. The Grand Lodge of Texas, Ancient, Free and Accepted Masons, the Grand Royal Arch Chapter of Texas, the Grand Commandery of Knights Templars of Texas (Masonic); the Grand Lodge of the Independent Order of Odd Fellows of Texas, and other like institutions and orders, organized for charitable or benevolent purposes, may, by the consent of their respective bodies, expressed by a resolution or otherwise, become bodies corporate under this title, and the incorporation of any such grand body shall include all of its subordinate lodges or bodies holding warrant or charter under such grand body, and each of such subordinate bodies shall have all the rights of other corporations under and by the name given it in such warrant or charter issued by the grand body to which it is attached, such rights being provided for in the charter of the grand body. Such grand bodies and their subordinates may elect their own trustees or directors, or name certain of their officers as such, and perform such other acts and things as are directed or provided by law in the case of other corporations, and shall have full power to make constitutions and by-laws for the government and regulation of their affairs.

Such institutions or orders, grand and subordinate, as are mentioned or included within this chapter, shall have the right to acquire and hold such lands and personalty as may be necessary or convenient for sites upon which to erect buildings for their use and occupancy, and for homes and schools for their widows, orphans or aged or decrepit or indigent members, and to sell or mortgage the same, such conveyances to be executed by the presiding officer attested by the secretary and the seal; but the power and authority of such subordinate bodies to sell or to mortgage shall be subject to such conditions and prerequisites as may be from time to time prescribed or established by the grand body to which the subordinate is attached.

Such subordinate bodies shall at all times be subject to the jurisdiction and control of their respective grand bodies, and subject to have their warrants or charters revoked by such grand body. Upon the demise of any subordinate body so incorporated all property and rights existing in such subordinate body shall pass to and vest in the grand body to which it was attached, subject to the payment of all debts due by such subordinate body; but the grand body shall never be liable for any sum greater than the actual cash value of the effects of such subordinate actually received by it, or its authority.

Any grand body incorporated under this article shall have the right and authority to loan any funds held and owned by it for charitable purposes, for the endowment of any of its institutions or otherwise, and may secure such loans by taking and receiving liens on real estate, or in

such other manner as it may elect, and upon sale of any real estate under such lien such grand body may become the purchaser thereof and hold title thereto. Any grand body incorporating under this chapter may provide in its charter for the expiration of its corporate powers at the end of any given number of years, or it may provide in its charter for its perpetual existence, and by its corporate name have perpetual succession of officers and members; provided, that any such grand body, or subordinate body now having a valid chartered existence may continue under its present charter, or reincorporate under this chapter. Bodies incorporated under this chapter shall not be subject to or required to pay a franchise tax.

SEC. 2. The fact that the law now on the statute books permitting the incorporation of grand lodges, such as are mentioned in this act, is vague and uncertain, creates an emergency and imperative public necessity requiring that bills be read on three several days in each house be suspended, and that this bill be permitted to be in force immediately after its passage, and such rule is so suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0, and reported to the House where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved May 23, 1899.

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## SALE OF CIGARETTES AND TOBACCO TO MINORS.

S. B. No. 76.]

CHAPTER CXXXIX.

An Act to prevent the sale of cigarettes and tobacco to persons under the age of sixteen years, and to prescribe a penalty for violating the same.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That any person who shall sell, give or barter, or cause to be sold, given or bartered, to any person under the age of sixteen years, or knowingly sell to any other person for delivering to such minor, without the written consent of the parent or guardian of such minor any cigarette or tobacco in any of its forms, shall be fined not less than ten nor more than one hundred dollars.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That the large amount of business remaining to be disposed of before the final adjournment of this session, creates an imperative public necessity and emergency which authorizes the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and was reported to the House of Representatives where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved May 23, 1899.

## SAN JACINTO BATTLE GROUNDS.

S. B. No. 350.]

## CHAPTER CXL.

An Act to provide for the purchase of one hundred acres of land, known as the Magnus T. Habermehl homestead, in the Arthur McCormick league, in order that the State of Texas may own and preserve the San Jacinto battle grounds.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That it is necessary for the public use that the State of Texas own one hundred acres of land on the site of the battle field of San Jacinto, in Harris county, Texas, in addition to the two hundred and fifty acres sought to be purchased and condemned under the provisions of Chapter 106, General Laws of Texas, passed at the Regular Session of the Twenty-fifth Legislature, approved May 6, 1897, in order that the battle grounds proper may be acquired, owned and preserved by the State.

SEC. 2. The commissioners heretofore appointed by the Governor, are hereby authorized and empowered to purchase the Magnus T. Habermehl homestead of one hundred acres, with improvements thereon, said survey being an integral and necessary part of the San Jacinto grounds, and said commissioners in event of agreement between the heirs of Magnus T. Habermehl and said commissioners, as to valuation and price, are empowered and directed to acquire said one hundred acres by purchase, for the use and benefit of the State; provided, that before said purchase is, by said commissioners consummated, the matter of agreements and purchase price shall first be submitted to the Governor and the Attorney-General for approval, and unless the approval of the Governor and the Attorney-General is had said purchase shall not be made.

SEC. 3. In the event that agreement as to value can not be reached by and between the parties, that is, the State upon one part and the heirs of said Habermehl upon the other part, then said commissioners are authorized and directed to institute condemnation proceedings against the owners of said land and proceed to acquire the same by condemnation; provided, that before said land shall be acquired by condemnation, the Governor and Attorney-General shall approve the award and damages as fair, just and reasonable. Said condemnation proceedings to be in manner and form as to procedure as provided in Chapter 106, of the Regular Session of the Twenty-fifth Legislature; and, provided further, that no additional appropriation shall be made in order to acquire said additional land, but the unused portion and balance of the ten thousand dollars appropriated at the Regular Session of the Twenty-fifth Legislature for the purpose of acquiring two hundred and fifty acres and fencing and enclosing the same, may be used, or so much thereof as may be necessary, in the discretion of said San Jacinto commissioners, subject to the approval of the Governor and the Attorney-General, for the purchase of the said Magnus T. Habermehl one hundred acre survey in the Arthur McCormick league, in order to complete and perfect in the State of Texas the title to the San Jacinto battle grounds.

SEC. 4. The great number of bills now pending before both houses of the Legislature, and the near approach of the end of the session, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.



[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 92, nays 2.]

Approved May 23, 1899.

Became effective May 23, 1899.

## BOWIE COUNTY ROAD SYSTEM.

H. B. No. 784.]

CHAPTER CXLI.

An Act to provide a more efficient system for working the public roads of Bowie county, regulating the fees of officers where the convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners' court of Bowie county shall be ex-officio road commissioner of his respective district, and under the direction of the commissioners' court of his county shall have charge of all teams, tools and implements belonging to said county, and placed in his hands by said court, and it shall be his duty, under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, the making or changing of roads and the building of bridges. Each of the commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge or his successor in office, of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners' court, and that he will account for all property belonging to the county that may come into his possession.

SEC. 2. The commissioners' court of said county have full power and authority, and it shall be their duty to adopt such system for working, laying out, draining and repairing the public roads in said county as they may deem best, and from time to time said court may change its plans or system of working said roads. Said court shall have the power to purchase such teams, tools and implements as may be necessary for the working of said roads. Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract. In such case said court, or the county judge, by the authority of the commissioners' court, may advertise in such manner as the court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the county judge and his successor in office of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but the said court shall reserve the right to reject any and all bids. At the time of making said contract the commissioners' court shall direct the county treasurer to place the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said

court; and the said court shall have the power to employ any hands or teams to work on the roads in said county, under such regulations and for such price as they may deem to the best interest of said county.

SEC. 3. The commissioners of said county shall require all county convicts of said county, not otherwise employed, to labor on the public roads, under such regulations as said court may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first and then on the cost, for each day that he may labor. The commissioners' court may, at a regular term, allow to the officers such amount of their cost for the arrest and conviction of said convicts as is provided in Article 3742, Revised Civil Statutes of 1895, which amount shall be paid out of the road and bridge fund on the warrant of the county clerk, on order of the commissioners' court, when said fine and cost shall have been worked out as provided in this section; provided, that this shall not be construed so as to relieve any convict from the payment of all costs for which he would be liable under the General Laws of the State; provided further, that when any convict having been put to work under the provisions of this act, shall escape, or from any cause become unable to perform labor upon the public roads or in any manner of employment permitted by law, the commissioners' court may allow to the officers having costs against said convict such part of their fees as the said convict may have satisfied by labor, at the rate of twenty-five cents per day for each day said convict may have served, after satisfying the fine, trial fee and jury fee that may have been adjudged against him, but in no event shall the commissioners' court make any allowance as compensations for fees to any officer where said officer has received from the convict, or any other person for him, cash or its equivalent to the amount of one-half of such fees that have been adjudged against said convict.

SEC. 4. The commissioners' court may grant a reasonable commutation of time for which a convict is committed as a reward for good behavior and faithful service; provided, that such commutation shall in no case exceed one-tenth of the whole time. The commissioners' court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention, and guards for the safe and humane treatment of convicts.

SEC. 5. It shall be the duty of the county commissioners, when acting as road commissioners, to inform themselves of the condition of the public roads in their districts, and they shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all overseers of their districts.

SEC. 6. The commissioners shall require each overseer in his district to call out the hands in such numbers as may be sufficient to perform the work necessary. Provided, no road hand shall be required to work more than five days in any one year. And provided, that all road hands in a particular district shall, as far as practicable, be worked a uniform time. Each road overseer shall have full control of all road hands within his road district, and he shall see that each hand when called out shall perform a good day's work; and if any hand so called out shall fail or refuse to perform a reasonable day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 7. Any citizen of Bowie county who is subject to road duty, who shall, on or before the first day of November of any year pay to the county treasurer of said county the sum of three dollars, shall be exempt from road duty for the year beginning on the first day of January thereafter. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund. The treasurer shall, on the third day of January, or so soon thereafter as practicable, furnish the commissioners' court with a list of all parties who have paid said sum, as provided in this section.

SEC. 8. Every person liable to work on public roads in Bowie county who shall pay to his road overseer at any time before the day appointed to work on his road the sum of one dollar for each day that he is summoned to work shall be exempt from work for each day paid for.

SEC. 9. Each person summoned to work on a road shall take with him an axe, scraper, plow or team, as the overseer may direct; and any person furnishing a team to work on the county roads in Bowie county shall receive a credit of two days' work for each day that said team shall be furnished. The county shall be liable for and the commissioners' court, under such regulations as they may prescribe, shall pay for all damage done to tools while being used on said roads for public road work.

SEC. 10. If any person liable to work upon the public road, after being legally summoned, shall intentionally fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to the overseer such sum as one dollar per day for each day summoned to work, he shall be deemed guilty of a misdemeanor, and on conviction thereof he shall be fined in any sum not to exceed ten dollars.

SEC. 11. At the regular term in November of the commissioners' court each year, all road overseers of Bowie county shall make their report upon oath upon forms to be furnished them by the commissioners' court. Said report shall state the condition of their roads, number of hands and the name of each hand subject to road work, and the number of days that each hand has worked, amount of all money collected and expended, and if there is a balance on hand, it shall be turned over to his successor in office, to be paid out for work on said road. Said report shall be sworn to before some officer authorized to administer oaths. Said report shall be examined by the commissioners' court, and if they be found correct shall be approved by said court; and as soon thereafter as practicable the said court shall appoint and commission road overseers for the succeeding year. Any road overseer intentionally failing to perform his duty as such overseer, or failing or refusing to make his reports as required by law, or failing or refusing to serve and perform his duties of overseer when appointed by said court, or failing to comply with the law in any way concerning his duties as overseer, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten nor more than twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for the opening, widening, straightening or draining any road or part thereof, if the owner of said land can not agree with the court as to damages to be paid, the court may proceed to condemn the same in the same manner

that a railroad company can condemn land for the right of way, and the same proceedings may be had, and the same rights shall exist to each party that would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. Each county commissioner, when acting as road commissioner, shall be entitled to two dollars per day for services actually performed, not to exceed ten days in any one quarter. Said per diem to be paid out of the road and bridge fund when the account shall have been approved by the commissioners' court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid; and said account shall specify the number of days work actually performed by him, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner.

SEC. 14. In all cases where the cost of material and labor exceeds two hundred dollars, it shall be the duty of said court to construct, grade or otherwise improve any road or bridge by contract, the same to be advertised for as provided for by said commissioners' court.

SEC. 15. This act shall be taken notice of by all courts in the same manner as the general laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to Bowie county, and all laws or parts of laws heretofore enacted providing a road law for Bowie county and other counties are hereby repealed as to their application to Bowie county.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-third day of May, A. D. 1899, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

## DRAINAGE—AMENDMENT.

H. B. No. 584.]

### CHAPTER CXLII.

An Act to amend Section 18, Chapter 77, of the Acts of the Twenty-fifth Legislature of the State of Texas, of 1897, relating to the construction and maintenance of drains, ditches and water courses, and for the improvement and enlargement of natural drainage, etc.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 18, Chapter 77, of the Acts of the Twenty-fifth Legislature of said State, of 1897, be and the same is hereby amended so that it shall hereafter read as follows:

Section 18. That when any drain or ditch shall have been established by order of the commissioners' court, under this act, they shall proceed to levy and assess against the person or persons, company or corporation, shown by the report of the jury of viewers to be beneficially affected by the proposed improvement, and against each separate tract of land shown to be beneficially affected, the cost of such improvement, in proportion

to the benefits to be derived, less the amount of damages to such person, company or corporation by reason of the construction of such proposed drain, ditch or water course, as shown by the report of said appraisers or adjudged by decree of court, which said assessment shall constitute a lien respectively upon the lands affected, and a separate roll of said assessments shall be made by the State and county tax assessor for the said county and the same shall at all times be open to the inspection of the public.

The assessments aforesaid shall be divided into five equal annual installments, each installment to be one-fifth of the amount assessed against each person, company or corporation or owners, respectively, of the lands affected by said assessment, and the first installment shall be payable within the same periods as provided by law for the payment of the State and county ad valorem taxes, the other four equal annual installments to be collected annually thereafter in the same manner; provided, that upon failure to pay any two of said assessments the whole sum shall become due and payable.

The State and county tax collector shall proceed to collect said assessments in the same manner provided for the collection of State and county ad valorem taxes, and shall enforce the same, either by advertisement and sale, or by suit, as now provided by law. All funds arising from such assessments shall be a special fund for the construction of such drain, ditch or water course, and by order of the commissioners' court shall be set apart for the same, and placed in the county treasury as a special fund for said purpose, to be paid to the contractor or contractors, person, company or corporation performing said work, upon the order of the commissioners' court, as hereinafter provided.

All damages that the said jury of viewers or commissioners' court shall assess, or which may be found to have been suffered by judgment or decree of court, shall be paid out of the county treasury upon the order of said commissioners' court; and any sum assessed against any county on account of any public drain shall be paid by said county on the order of the commissioners' court.

SEC. 2. The fact that the present drainage law of this State is defective, in that the assessments provided for are all made payable at one time, the enforcement of which would mean practical confiscation of property to be improved, making it impossible to carry said law into effect, and there being urgent need for an effective drainage law in a large portion of the State, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and it is so enacted.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-fourth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him, and he not having filed thereto objections with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

ESTATES—GRANT OF LETTERS TESTAMENTARY.  
AMENDMENT.

S. B. No. 284.]

## CHAPTER CXLIII.

An Act to amend Article 1880, Chapter 4, Title 39, of the Revised Civil Statutes of Texas, adopted by the Twenty-fourth Legislature of the State of Texas.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 1880, Chapter 4, Title 39, of the Revised Civil Statutes of the State of Texas be amended so as to hereafter read as follows:

Article 1880. All applications for the grant of letters testamentary or administration upon an estate must be filed within four years after the death of the testator or intestate, and if four years have elapsed between the death of such testator or intestate and the filing of such application, such application shall be refused and dismissed; provided, that this article shall not apply to citizens of this State who have suffered losses by Indian depredations, or by the occupation or taking of their property by troops enlisted in or belonging to the United States Army, and have died since such loss, and make the application for the purpose of recovering compensation for such loss. In all such cases the proper courts of this State are authorized to grant letters of administration upon the estate of any citizen, without regard to the date of his death, when the applicant for letters alleges in his application that the testator or intestate suffered losses by Indian depredations or by the occupation or taking of their property by troops enlisted in or belonging to the United States Army, and that letters are sought for the purpose of enabling him or her to bring suit in the United States Court of Claims to recover compensation for such loss.

SEC. 2. The near approach of the close of the present session of the Legislature, and the crowded condition of the calendars of each house, create an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved May 25, 1899.

Takes effect 90 days after adjournment.

## WITNESSES—TO TESTIFY BEFORE GRAND JURY—AMENDMENT.

S. B. No. 5.]

## CHAPTER CXLIV.

An Act to amend Chapter 4, Title 7, of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 525a, providing for the issuance of process for witnesses residing in the county before the meeting of the district court, to testify before the grand jury, and to provide the punishment for disobedience of such process.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 4, Title 7, of the Code of Criminal Procedure of the State

of Texas, be so amended as to add thereto Article 525a, to read as follows, to wit:

Article 525a. At any time before the first day of the meeting of any term of the district court in any county of this State, it shall be the duty of the clerk, upon application of the district or county attorney, to forthwith issue a subpoena for any witness who resides in the county; provided, if at the time such application is made the district or county attorney shall file a sworn application that he has good reason to believe and does believe that such witness is about to move out of the county, then said clerk shall issue an attachment for such witness, to be and appear before said district court on the first day thereof to testify as a witness before the grand jury. And any witness so summoned or attached under this act who shall fail or refuse to obey a subpoena or attachment shall be punished by the court by a fine in any sum not exceeding five hundred dollars, to be collected as fines and costs in other criminal cases.

SEC. 2. There being no law to summon or attach witnesses before the first day of any term of the district court to testify before the grand jury, and witnesses are constantly evading the process of the court by secreting themselves before and after the grand jury is organized; and the better enforcement of the criminal law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is so suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 23, nays 0; and was reported to the House of Representatives where it was amended and passed, vote not given; Senate concurred in House amendments by a two-thirds vote, yeas 22, nays 0.]

Approved May 25, 1899.

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## MUNICIPAL CORPORATIONS—THEIR ABOLISHMENT— AMENDMENT.

S. B. No. 125.]

### CHAPTER CXLV.

An Act to amend Article 617b, Chapter 12, Title 18, Revised Civil Statutes of Texas, relating to the abolishment of municipal corporations.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 617b, Chapter 12, Title 18, Revised Civil Statutes of the State of Texas, relating to the abolishment of municipal corporations be amended so as to hereafter read as follows:

Article 617b. When one hundred of the property tax-payers, who are qualified voters of any such city or town, desire the abolishment of such corporation they may petition the county judge to that effect, who shall thereupon order an election to be held in such city or town, as in the case of its incorporation; provided, that when a majority of the property tax-payers, who are qualified voters, of any such city or town is less than one hundred in number, then the county judge shall order an election as above provided for upon the presentation to him of a petition signed by a major-

ity of the property tax-payers of such city or town, who are qualified voters thereof, paying for same.

SEC. 2. All laws and parts of laws in conflict with the provisions of this article be and the same are hereby repealed.

SEC. 3. The fact that under existing law there are many towns that are deprived of voting on the question of abolishing their municipal incorporation, and the crowded condition of the calendar rendering it impossible that this bill can be read on three several days, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved May 25, 1899.

Takes effect 90 days after adjournment.

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### ANTI-TRUST LAW.

S. B. No. 323.]

#### CHAPTER CXLVI.

An Act to prohibit pools, trusts, monopolies and conspiracies to control business and prices of articles; to prevent the formation or operation of pools, trusts, monopolies and combinations of charters of corporations that violates the terms of this act, and to authorize the institution of prosecutions and suits therefor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Any corporation organized under the laws of this or any other State or country, and transacting or conducting any kind of business in this State, or any partnership, or individual, or other association of persons whatsoever, who shall create, enter into, become a member of or a party to any pool, trust, agreement, combination, confederation or understanding with any other corporation, partnership, individual or any other person or association of persons, to regulate or fix the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning or storm, or to maintain said price when so regulated or fixed, or shall enter into, become a member of or a party to any pool, agreement, combination, contract, association or confederation to fix or limit the amount or quantity of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by any corporation, partnership, individual, or association of persons aforesaid, shall be deemed and adjudged guilty of a conspiracy to defraud, and to be subject to the penalties as provided by this act.

SEC. 2. A "monopoly" is any union or combination or consolidation or affiliation of capital, credit, property, assets, trade, custom, skill or acts, or of any other valuable thing or possession, by or between persons, firms or corporations, or association of persons, firms or corporations, whereby any one of the purposes or objects mentioned in this act is accomplished or sought to be accomplished, or whereby any one or more of said



purposes are promoted or attempted to be executed or carried out, or whereby the several results described herein are reasonably calculated to be produced; and a "monopoly," as thus defined and contemplated, includes not merely such combinations by and between two or more persons, firms or corporations acting for themselves, but is especially defined and intended to include all aggregations, amalgamations, affiliations, consolidations or incorporations of capital, skill, credit, assets, property, custom, trade, or other valuable thing or possession, whether effected by the ordinary methods of partnership or by actual union under the legal form of a corporation or an incorporated body resulting from the union of one or more distinct firms or corporations, or by the purchase, acquisition or control of shares or certificates of stock or bonds, or other corporate property or franchises, and all corporations or partnerships that have been or may be created by the consolidation or amalgamation of the separate capital, stock, bonds, assets, credit, properties, custom, trade or corporate or firm belongings of two or more firms or corporations or companies are especially declared to constitute monopolies within the meaning of this act, if so created or entered into for any one or more of the purposes named in this act; and a "monopoly," as defined in this section, is hereby declared to be unlawful and against public policy, and any and all persons, firms, corporations or association of persons engaged therein shall be deemed and adjudged guilty of a conspiracy to defraud, and shall be subject to the penalties prescribed in this act.

SEC. 3. If any person, persons, company, partnership, association or corporation, engaged in the manufacture of any article of commerce or consumption from the raw material produced or mined in this State, shall, with the intent or purpose of driving out competition, or for the purpose of financially injuring competitors, sell at less than the cost of manufacture, or give away their manufactured products, for the purpose of driving out competition or financially injuring competitors engaged in the manufacture and refining of raw material in this State, said person, persons, company, partnership, association or corporation resorting to this method of securing a monopoly in the manufacture, refining and sale of the finished product produced or mined in this State, shall be deemed guilty of a conspiracy to form or secure a trust or monopoly in restraint of trade, and on conviction shall be subject to the penalties of this act.

SEC. 4. If any person, persons, company, partnership, association, corporation or agent engaged in the manufacture or sale of any article of commerce or consumption produced, manufactured or mined in this State or elsewhere, shall, with the intent or purpose of driving out competition, or for the purpose of financially injuring competitors, sell within this State at less than cost of manufacture or production, or sell in such a way, or give away within this State, their products for the purpose of driving out competition or financially injuring competitors engaged in similar business, said person, persons, company, partnership, association, corporation or agent resorting to this method of securing a monopoly within this State in such business, shall be deemed guilty of a conspiracy to form or secure a trust or monopoly in restraint of trade, and on conviction thereof shall be subject to the penalties of this act.

SEC. 5. Any person, partnership, firm or association, or any representative or agent thereof, or any corporation or company, or any officer,

representative or agent thereof, violating any of the provisions of this act shall forfeit not less than two hundred dollars nor more than five thousand dollars for every such offense, and each day such person, corporation, partnership or association shall continue to do so shall be a separate offense, the penalties in such cases to be recovered by an action in the name of the State, at the relation of the Attorney-General or the district or county attorney; the moneys thus collected to go into the State treasury, and to become a part of the general fund, except as hereinafter provided.

SEC. 6. If any two or more persons or corporations who are engaged in buying or selling any article of commerce, manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining or any article or thing whatsoever, shall enter into any pool, trust, agreement, combination, confederation, association or understanding to control or limit the trade in any such article or thing; or to limit competition in such trade by refusing to buy from or sell to any other person or corporation any such article or thing aforesaid, for the reason that such other person or corporation is not a member of or a party to such pool, trust, agreement, combination, confederation, association or understanding; or shall boycott or threaten any person or corporation for buying from or selling to any other person or corporation who is not a member of or a party to such pool, trust, agreement, combination, confederation, association or understanding any such article or thing aforesaid, it shall be a violation of this act; and any person, firm, corporation or association of persons committing such violation shall be deemed and adjudged guilty of a conspiracy to defraud, and shall be subject to the penalties prescribed in this act.

SEC. 7. Any corporation created or organized by or under the laws of this State, which shall violate any of the provisions of the preceding sections of this act, shall thereby forfeit its corporate rights and franchises; and its corporate existence shall, upon proper proof being made thereof in any court of competent jurisdiction in the State, be by the court declared forfeited, void and of non-effect, and shall thereupon cease and determine; and any corporation created or organized by or under the law of any other State or country, which shall violate any of the provisions of the preceding sections of this act shall thereby forfeit its right and privilege thereafter to do any business in this State, and upon proper proof being made thereof in any court of competent jurisdiction in the State, its rights and privileges to do business in this State shall be declared forfeited; and in all proceedings to have such forfeiture declared, proof that any person who has been acting as agent of such foreign corporation in transacting its business in this State, has been, while acting as such agent, and in the name, behalf, or interest of such foreign corporation, violating any provisions of the preceding sections of this act, shall be received as prima facie proof of the act of the corporation itself; and it shall be the duty of the clerk of said court to certify the decree thereof to the Secretary of State, and if it be an insurance company, to the Commissioner of Insurance, Statistics and History of the State, who shall take notice and be governed thereby as to the corporate powers and rights of said corporation.

SEC. 8. It shall be the duty of the Secretary of State, on or about the first day of July of each year, and at such other times as he shall deem

necessary, to address to the president, secretary or treasurer of each incorporated company doing business in this State a letter of inquiry as to whether the said corporation has all or any part of its business or interest in or with any trust, combination or association of persons or stockholders, as named in the preceding provisions of this act, and to require an answer under oath of the president, secretary or treasurer, or any director of said company. A form of affidavit shall be enclosed in said letter of inquiry, as follows:

Affidavit.

STATE OF TEXAS,

County of.....

I, ....., do solemnly swear that I am the ..... (president, secretary, treasurer or director) of the corporation known and styled ....., duly incorporated under the laws of ....., on the ..... day of ....., 19...., and now transacting or conducting business in the State of Texas, and that I am duly authorized to represent said corporation in making this affidavit, and I do further solemnly swear that the said ....., known and styled as aforesaid, has not since the ..... day of ..... (naming the day upon which this act takes effect), created, entered into or become a member of or a party to, and was not, on the ..... day of ....., nor at any day since that date, and is not now a member of or a party to any pool, trust, agreement, combination, confederation or understanding, with any other corporation, partnership, individual, or any other person, or association of persons, to regulate or fix the price of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid; and that it has not entered into or become a member of, or a party to, any pool, trust, agreement, contract, combination or confederation, to fix or limit the amount of supply or quantity of any article of manufacture, mechanism, merchandise, commodity, convenience, repair, or any product of mining, or any article or thing whatsoever, or the price or premium to be paid for insuring property against loss or damage by fire, lightning, storm, cyclone, tornado, or any other kind of policy issued by the parties aforesaid; and that it has not issued, and does not own any trust certificates for any corporation, agent, officer or employe, or for the directors or stockholders of any corporation, has not entered into, and is not now in any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholders, or directors thereof, the purpose and effect of which said combination, contract or agreement would be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees, with the intent to limit or fix the price, or lessen the production and sale of any article of commerce, use or consumption, or to prevent, restrict, or diminish the manufacture or output of any such article; that it has not entered into any conspiracy, defined in the preceding sections of this act, to form or secure a trust or monopoly in restraint of trade; that it has not been since January 31, A. D. 1900, and is not now a monopoly by reason of any conduct on its part

which would constitute it a monopoly under the provisions of Sections 2, 3, 4, 5, 6, 10 and 11, of this act, and is not the owner or lessee of a patent to any machinery intended, used or designed for manufacturing any raw material or preparing the same for market by any wrapping, baling or other process, and while leasing, renting or operating the same refuses or fails to put the same on the market for sale; that it has not issued, and does not own any trust certificates, and has not, for any corporation or any agent, officer or employe thereof, or for the directors or stockholders thereof, entered into, and is not now in any combination, contract or agreement with any person or persons, corporation or corporations, or with the stockholders, directors or any officer, agent or employe of any corporation or corporations, the purpose and effect of which combination, contract or agreement would be a conspiracy to defraud, as defined in Section 1 of this act, or to create a monopoly, as defined in Sections 2, 3, 4, 5, 6, 10 and 11 of this act.

.....  
(President, Secretary, Treasurer or Director.)

Subscribed and sworn to before me, a ..... within and for the county of ....., this ..... day of ....., 19...

(Seal.) .....

And on refusal to make oath, in answer to said inquiry, or on failure to do so within thirty days from the mailing thereof, such failure shall be prima facie proof that such incorporated company is transacting business in the State of Texas, and has violated the provisions of this act, every day after the expiration of thirty days from the mailing of said letter of inquiry, the Secretary of State shall certify to the prosecuting attorney of the district or county wherein said corporation is located, and it shall be the duty of such prosecuting attorney, at his earliest practicable moment, in the name of the State, and at the relation of said prosecuting attorney, to proceed against such corporation, if a domestic corporation, for the recovery of the money forfeit provided for in this act, and also for the forfeiture of its charter or certificate of incorporation. If a foreign corporation, to proceed against such corporation for the recovery of the money forfeit provided for in this act, and to forfeit its right to do business in this State; and provided, that whatever money, bonds or other securities may be on deposit in this State shall remain subject to the decision of said court to secure whatever penalties or costs may be adjudged against said corporation or individual. It is provided, however, that all parties making the affidavit provided for in this section shall be exempt from criminal prosecution for any violation of law that may be disclosed by such affidavit. It is further provided, that the Secretary of State shall, from time to time, when he may have reason to believe that individuals or partnerships are doing business in this State in violation of this act, address the letter of inquiry herein provided for to such individuals or partnerships and require of them the same answers under oath prescribed in this section for the officers of corporations, the affidavit to which must be made by the individual addressed, or some member of the partnership addressed; the form of affidavit herein prescribed, with such changes as may be necessary to make it applicable to individuals and partnerships shall be inclosed in said letter of inquiry.

SEC. 9. It shall be the duty of the Attorney-General and the prosecut-

ing attorney of each district or county, respectively, to enforce the provisions of this act. The Attorney-General and the prosecuting attorney shall institute and conduct all suits begun in the district courts, and upon appeal the Attorney-General shall prosecute said suits in the courts of Civil Appeals and Supreme Court. The prosecuting attorney shall receive for his compensation one-fourth of the penalty collected; provided, the fees allowed the prosecuting attorney representing the State, provided for in this section, shall be over and above the fees allowed him by the general fee bill now in force.

SEC. 10. All actions authorized and brought under this act shall have precedence on motion of the prosecuting attorney or Attorney-General of all other business, civil and criminal, except criminal cases where the defendants are in jail.

SEC. 11. Each corporation, co-partnership, firm or individual who may be the owner or lessee of a patent to any machinery intended, used or designed for manufacturing any raw materials or preparing the same for market by any wrapping, baling or other process, who shall lease, rent or operate the same in their own name and refuse or fail to put the same on the market for sale, shall be adjudged a monopoly, and be subject to all the pains and penalties provided in this act.

SEC. 12. The sale, delivery or disposition of any of the articles, commodities or things hereinbefore mentioned by any individual, company or corporation transacting business contrary to the provisions of this act, within this State or elsewhere, is hereby declared to be unlawful and contrary to public policy, and the purchaser of any article or commodity from any such offending individual, company or corporation shall not be liable for the price or payment thereof, and may plead this act as a defense to any suit for the price or payment, whether the purchase was made directly from the individual, company or corporation so unlawfully transacting business, or indirectly from one who acted for such individual, company or corporation as agent, representative, solicitor or canvasser; and provided further, that where any money or other thing of value is paid to such individual, company or corporation so unlawfully transacting business, its agent, representative, solicitor or canvasser, the person so paying the same may recover back the amount of the money or the value of the thing so paid.

SEC. 13. The following corporations, co-partnerships, firms or individuals are also adjudged a monopoly, and subject to all the pains and penalties provided in this act:

Every corporation, co-partnership, firm or individual which may gather items of news or press dispatches for sale to newspapers and which shall refuse to sell said items of news or press dispatches to more than one newspaper to a stated number of inhabitants in any city, town or subdivision of the State of Texas, or within a certain radius of territory. Every association of newspapers formed for the purpose of exchanging items of news and press dispatches which may require of its members under pain of forfeiting their membership, that they do not sell to or exchange with newspapers not members of said association any items of news or press dispatches.

SEC. 14. The provisions of the foregoing sections, and the pains and penalties provided for for violations of this act shall be held and construed to be cumulative to all laws now in force in this State. And pro-

vided, that the provisions of this act shall not exempt from punishment or forfeiture any person, firm, association of persons or corporation, who may have violated or offended against any law now in existence that may be or may be construed to be repealed by this act or in conflict herewith. And provided further, that nothing in this act shall be deemed or construed to affect any suits or prosecutions now pending or hereafter to be instituted upon any cause of action, forfeiture or penalty accruing or to accrue prior to the date of the taking effect of this act, but all such rights to maintain, institute or prosecute all such causes of action are hereby reserved to the State, in the same manner and with the same effect as if this law had not been passed; provided further, that this act shall take effect from and after January 31, A. D. 1900.

Sec. 15. The near approach of the end of the session, and the fact that we now have no adequate anti-trust law upon the statutes, and the importance of such legislation, create an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved May 25, 1899.

Takes effect January 31, 1900.

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## DE WITT COUNTY—ROAD SYSTEM.

S. B. No. 274.]

### CHAPTER CXLVII.

An Act to create a more efficient road system for the county of De Witt.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners' court of DeWitt county shall be ex-officio road commissioner of their respective precinct and, under the direction of the commissioners' court, shall have charge of all teams, tools and machinery belonging to the county and placed in their hands of the county, and it shall be their duty, under such rules and regulations as the commissioners' court may prescribe, to superintend the laying out of new roads, the making, changing and repair of roads and the building and repair of bridges. Each of said commissioners shall, before entering upon the duties of their office, in addition to their regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of their county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the commissioners' court, and that they will account for all money or property belonging to the county that may come into their possession; provided, that with the consent of the commissioners' court, any one of said commissioners shall be allowed to appoint a competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for same service; provided, that county commissioners shall not be allowed any compensation as road commissioners when a deputy commissioner has been appointed, except for work done by him as such road commissioner in case of urgent necessity.

SEC. 2. The commissioners' court of said county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working. Said commissioners' court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have power to construct, grade or otherwise improve any road or bridge by contract. In such cases said court or county judge may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the use of the road and bridge fund, with good sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. At the time of making such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds, and the same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners' court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and then on the costs for each day he may labor. Such commissioners' court may provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work; and may provide a reward not exceeding ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict and worked out or paid by him as a part of the cost. The commissioners' court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful services and good behavior, in no case to exceed one-tenth of the whole time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts. The commissioners' court may, at a regular term, allow to the officers and witnesses such amount of their costs for the arrest and conviction of said convict as it may deem best; provided, that it shall not allow to any officer an amount greater than the following: County attorney, five dollars, including commissions; county clerks and justices of the peace, including commissions, one dollar and seventy cents; sheriffs or constables, five dollars; which amount shall be paid to the officers out of the road and bridge fund, upon the order of said court, when said fine and costs have been worked out as provided in this section; provided, that this shall not be construed as to relieve any convict from payment of all costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control over all road overseers in his district; and shall deliver to each of them all teams, tools

and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners' court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioners and shall fix the liability of the overseer; and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession, caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners' court. It shall be the duty of the road overseer, when he has finished work on his roads, to return to said commissioner all teams, tools and machinery received from him, and take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioners, when acting as road commissioner, to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district, and the provisions of this section shall extend to work done under contract, unless by special provision in the contract the road commissioner is relieved of the duties herein required.

SEC. 6. The commissioners may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service, as prescribed by the General Laws, shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand, when called out, shall perform a good day's work; if any hand, when so called out, shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summon. The commissioners' court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year a compensation not to exceed one dollar and fifty cents per day for the time so served.

SEC. 7. Any citizen of DeWitt county liable for road duty who shall, on or before the first day of January of each year, pay to the county treasurer the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of January. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund, and shall keep a separate account for each district from which it is received. The treasurer shall, on the third day of January, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum provided in this section.

SEC. 8. Every person liable to work on roads by paying to his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work, and one



dollar and fifty cents for each day he is summoned to furnish his team for road work shall be exempt from working or furnishing his team for each day paid for, and also exempt from any penalties for failure to work or furnish such team for the time for which he had so paid.

SEC. 9. Each person summoned to work on a road shall take with him an axe, hoe, pick, spade, plow, scraper or other tool as may be desired and directed by the overseer, or, if he has no such tools as are desired and directed by the overseer to take with him, he shall take such suitable tools as he may have; provided, the county shall be liable for and the commissioners' court, under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days time for each day put in by a hand with his team, and one and one-half days' time for his team without such hand.

SEC. 10. If any person liable to work upon the public roads, after being legally summoned, shall intentionally fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work; or having attended, shall fail to perform good service or any other duty required of him by law or the person under whom he may work, shall be deemed guilty of a misdemeanor and on conviction thereof fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the commissioners' court in February of each year, all road overseers shall make their reports, under oath, upon forms to be furnished them by said court, which said report shall be examined by said court; and all accounts for services or labor performed for over-work by such overseer during the past year, and of monies had and expended by him, shall be audited and settled; and as soon thereafter as practicable said commissioners' court shall appoint and commission road overseers for the succeeding year. Any road overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the commissioners' court or by the commissioner of his district, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall become necessary to occupy any land for the opening, widening, straightening or draining any road or part thereof, if the owner of such land and the county commissioners' court can not agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had, and the same right shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. Every owner of a farm or other land upon which a hedge of any description grows, on or near the public road, shall be required to keep the same trimmed so that the same shall not obstruct said road; and any such owner who shall fail or neglect to so trim such hedge shall be notified in writing by the road overseer of that district to trim such hedge as herein required, and in such case, if such owner shall, after receiving such notice, fail or refuse to trim such hedge within a reasonable time he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding twenty dollars per week from and after the time he received such notice; such fine to be paid into the county treasury, and to be placed to the credit of the road and bridge fund of said county. If any owner of any farm shall fail or refuse, after being notified as herein required, to trim his hedge as required by this act, then the road overseer shall cause the same to be trimmed in accordance with the provisions of this act, to be paid for out of the road and bridge fund of the county.

SEC. 14. It shall be lawful for any insolvent delinquent poll tax-payer in DeWitt county to perform two days service upon the public roads in his road precinct in each and every year, in discharge of his said delinquent poll tax, unless the rate of poll tax now provided for by the General Laws of Texas shall be changed, in which case a proportionate term of service shall be held to discharge said delinquent for one year's poll taxes; provided further, that this act shall not be held to annul any laws upon the general statutes of Texas for the collection of delinquent taxes, but shall be held cumulative thereto in DeWitt county; and provided further, that such delinquent tax-payers shall perform such road service under the direction of the road overseer, under the same regulations herein provided for parties subject to road service under the General Laws of the State.

SEC. 15. Every county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners' court, shall be entitled to three dollars per day for the services actually performed; provided, said sum to be paid him shall not exceed sixty dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners' court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner, either for himself or for his deputy, while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road, or for other road service.

SEC. 16. This act shall not be taken notice of by all courts in the same manner as the General Laws of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict, this act shall control as to the county of DeWitt.

SEC. 17. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several

days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-fifth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him, and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

#### ROAD LAW—EXEMPTING CERTAIN COUNTIES—AMENDMENT.

H. B. No. 824.]

#### CHAPTER CXLVIII.

An Act to amend Article 4785a, Chapter 6, Title 97, of the Revised Civil Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 4785a, of Chapter 6, Title 97, of the Revised Civil Statutes of the State of Texas be amended so as to hereafter read as follows:

Article 4785a. The counties of Grayson, Travis, Houston, Dallas, Limestone, Galveston, Cherokee, Gonzales, Wood, Rains, Harrison, Shelby, San Augustine, Sabine, Newton, Jasper, Tyler, Morris, Marion, Victoria, Goliad, Refugio, Aransas, Calhoun, Jackson, DeWitt, Hopkins, Comal, Upshur, Blanco, Camp, Gillespie, Lavaca, Panola, Milam, Lamar, Hill, Smith, Gregg, McLennan, Washington, Titus, Cass, Franklin, Delta, Angelina, Nacogdoches, Bowie, Montgomery, Walker, Trinity, Red River, Henderson, Van Zandt, Tarrant, Rusk and Jack counties are exempted from the provisions of this chapter; provided, that the county commissioners' courts of Dallas and Collin counties may accept and adopt the provisions of this act in lieu of the special acts for Dallas, Collin, Grayson and other counties, if in their judgment its provisions are better suited to Dallas and Collin counties than the said special laws; provided, nothing herein contained shall be construed to repeal any special road law passed at this session of the Legislature.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-sixth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him, and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

## BONDS—COUNTY AND MUNICIPAL.

S. B. No. 320.]

## CHAPTER CXLIX.

An Act requiring the county commissioners' court of any county, or city council of any incorporated city or town in the State, to submit propositions for the issuance of bonds to a vote of the qualified tax-payers of such county, or incorporated city or town, and to repeal the provisions of all city and town charters in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Hereafter it shall be unlawful for the commissioners' court of any county, or the city council of any incorporated town or city in this State, to issue the bonds of said county, or town or city, for any purpose authorized by law, unless a proposition for the issuance of such bonds shall have been first submitted to a vote of the qualified voters, who are property tax-payers of said county, town or city, and unless a majority of the said qualified property tax-payers, voting at said election, is in favor of the proposition for the issuance of bonds, then the said bonds shall not be issued. If the proposition for the issuance of bonds be sustained by a majority of the said property tax-payers, voting at said election, then the said bonds shall be authorized and shall be issued by the said commissioners' court, or said town or city council; provided, that this act shall not be construed to authorize and render valid bonds without being first submitted to the Attorney-General, and certified to by him, as now required by law.

SEC. 2. The proposition to be submitted for the issuance of bonds shall distinctly specify the purpose for which the bonds are to be issued, the amount thereof, the time in which they are payable, and the rate of interest; and all voters desiring to support the proposition to issue bonds shall have printed upon their ballots the words "For issuance of bonds," and those opposed shall have printed upon their ballots the words "Against the issuance of bonds."

SEC. 3. The commissioners' court, or city council of said incorporated town or city, shall determine the time and place or places of holding said election, and the manner of holding the same shall be governed by the laws of the State regulating general elections.

SEC. 4. This act shall not apply to funding bonds issued or to be issued of any valid outstanding bonds of said county, town or city; provided, that this act shall not apply to any bond issue when for a sum less than \$2000, when issued for the purpose of repairing buildings or structures for the building of which bonds are allowed to be issued.

SEC. 5. All sections of any special charter for any city or town in conflict with the terms of this bill are hereby expressly repealed.

SEC. 6. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 7. The near approach of the close of the present session of the Legislature and the large number of bills now on the calendar of each house, and the importance of submitting propositions for the issuance of bonds to a vote of the tax-payers, create an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0; and passed the House of Representatives, no vote given.]

Approved May 26, 1899.

## UNIVERSITY AND ASYLUM LANDS—QUIETING TITLES.

H. B. No. 495.]

### CHAPTER CL.

An Act to validate and quiet titles to public free school, university and asylum lands sold prior to January 1, 1899; to provide for patents, and to prescribe limitation for bringing suits for the recovery of such land.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any applicant who has, prior to the first day of January, 1899, made application to purchase public free school, University or asylum lands, and within six months after the date of such application to purchase made actual settlement and first payment thereon and executed his obligation for the balance of the purchase money, and the said land has been awarded to such applicant by the Commissioner of the General Land Office, under the several acts of the Legislature relating to the sale of such lands, and the said award and the account as to interest payments on such land is in good standing, such award and sale is hereby validated, and the Commissioner of the General Land Office shall issue to such purchaser, his heirs and assigns, patent thereto, upon the payment of the purchase money, both principal and interest, together with patent fees, and upon satisfactory proof that all taxes have been paid upon such land, and that such land has been occupied for three years by said applicant or his vendee, after the date of his application; provided, that the provisions of this act shall not in any manner disturb the vested rights of those claiming an adverse claim or title by reason of settlement and application to purchase as against the purchaser to whom the same was awarded by the Commissioner of the General Land Office; and provided further, that all persons claiming, by reason of settlement and application, to purchase an adverse title or rights to such land as against the purchaser to whom the same is awarded by the Commissioner of the General Land Office shall begin his suit to recover such land within six months after this act takes effect and not thereafter.

SEC. 2. The fact that there are now many settlers upon and owners of school lands who were not actual settlers thereon, as the term is construed by the courts, before making their application to purchase, and who have been forced to leave their lands by circumstances beyond their control, and that such condition is promotive of claim jumping, strife and feuds, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act go into effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved May 27, 1899.

## CARSON COUNTY—JURISDICTION OF COUNTY COURT.

H. B. No. 829.]

CHAPTER CLI.

An Act to diminish the jurisdiction of the County Court of Carson county, and to conform the jurisdiction of the district court of said county to said change.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of the county of Carson shall only have and exercise the general jurisdiction of a probate court, shall probate wills, appoint guardians of minors, idiots and lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business pertaining to estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and apprentice minors, as prescribed by law, and to issue all writs necessary to the enforcement of their jurisdiction, and to punish contempt under such provisions as or may be provided by general law governing county courts throughout this State, but said county court shall have no other jurisdiction, either civil or criminal.

SEC. 2. That the district court of said county shall have and exercise jurisdiction over all matters and causes, civil and criminal, over which by General Laws of this State the said county court of said county now has jurisdiction, except as provided in Section 1 of this act; and that all cases, other than probate matters and such as are provided in Section 1 of this act, be and the same are hereby transferred to the district court of said Carson county, and all writs and process, civil and criminal, heretofore prior to the taking effect of this act issued by or out of said county court, other than those pertaining to matters over which by Section 1 of this act jurisdiction is given to the county court of said county, be and the same are hereby made returnable to the next term of the district court in said county after this act shall take effect.

SEC. 3. That the clerk of said county court be and he is hereby required, within twenty days after the taking effect of this act, to make a complete transcript of all the entries on his docket of criminal and civil cases theretofore made in causes which by Section 2 of this act are transferred to the district court of said county, and file the same, together with the original papers and proceedings, with the clerk of the district court of said county, and all such causes shall immediately be docketed by the clerk of the district court of such county, and shall stand on the docket of said district court as appearance cases for the next term of said district court, and for each of said transcripts the county clerk aforesaid shall receive twenty cents per hundred words, and fifty cents for each certificate thereto, to be taxed as costs in said case.

SEC. 4. The near approach of the end of the session and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and that this act become a law from and after its passage, and it is so enacted.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-seventh day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him, and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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### • STOCK LAWS—AMENDMENT.

H. B. No. 847.]

#### CHAPTER CLII.

An Act to amend Article 5001, Chapter 5, Title 102, of the Revised Civil Statutes of the State of Texas, of 1895, relating to stock laws.

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas:* That Article 5001, Chapter 102, of the Revised Civil Statutes of the State of Texas of 1895, be and the same is hereby amended so as to read hereafter as follows:

**Article 5001.** The counties of Cooke, Refugio, Aransas and Bee are exempted from the provisions of this chapter.

**SEC. 2.** The fact that there is now no law in San Patricio county to determine whether hogs, sheep or goats shall be permitted to run at large in such county or subdivision, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House by a two-thirds vote, yeas 94, nays 0; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-seventh day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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## LABOR ORGANIZATIONS—RIGHT TO ORGANIZE.

H. B. No. 97.]

## CHAPTER CLIII.

An Act to protect workmen in the right of organization, and the purposes thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That from and after the passage of this act it shall be lawful for any and all persons engaged in any kind of work or labor, manual or mental, or both, to associate themselves together and form trades unions and other organizations for the purpose of protecting themselves in their personal work, personal labor, and personal service, in their respective pursuits and employments.

SEC. 2. And it shall not be held unlawful for any member or members of such trades union or other organization or association, or any other person, to induce or attempt to induce by peaceable and lawful means, any person to accept any particular employment, or quit or relinquish any particular employment in which such person may then be engaged, or to enter any pursuit, or refuse to enter any pursuit, or quit or relinquish any pursuit in which such person may then be engaged; provided, that such member or members shall not have the right to invade or trespass upon the premises of another without the consent of the owner thereof.

SEC. 3. But the foregoing sections shall not be held to apply to any combination or combinations, association or associations of capital, or capital and persons, natural or artificial, formed for the purpose of limiting the production or consumption of labor's products, or for any other purpose in restraint of trade; provided, that nothing herein contained shall be held to interfere with the terms and conditions of private contract with regard to the time of service, or other stipulations between employers and employes; provided further, that nothing herein contained shall be construed to repeal, affect or diminish the force and effect of any statute now existing on the subject of trusts, conspiracies against trade, pools and monopolies.

SEC. 4. Whereas, it is essential and desirable that this bill should go into effect at the earliest practicable moment, therefore an emergency and an imperative public necessity exists, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; House concurred in Senate amendments; passed the Senate, no vote given.]

Approved May 27, 1899.

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## SEWERAGE COMPANIES—RIGHT TO CONDEMN PROPERTY.

S. B. No. 318.]

## CHAPTER CLIV.

An Act to empower companies and corporations chartered, or that may hereafter be chartered by the laws of this State, for the purpose of owning, constructing or operating sewer systems, to condemn private property for the purpose of laying pipes, mains, laterals, connections, vats, filtering pipes, and for use of private property as a base of ultimate disposition of sewage.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Every company or corporation heretofore incorporated under the laws of the State of Texas, or that may hereafter be incorporated under the laws of the State of Texas, for the purpose of owning, constructing or maintaining a system of sewerage in any city or town in this State, shall be and are hereby authorized and empowered to condemn private property through which to lay, construct and maintain sewer pipes, mains and laterals, and connections, and also private property upon which to maintain vats, filtration pipes and other pipes, and which to use and occupy as a place for ultimate disposition of sewage, in or out of the town or city limits, whenever it be made to appear that the use of any such private property is necessary for successful operation of such sewer system, and when it be also made to appear that such sewer system is beneficial to the public use, health or convenience; provided, that the right of condemnation herein permitted shall not be invoked nor exercised within the corporate limits of the city or town except as permitted or required by the city or town granting franchise to the company or corporation seeking the right of condemnation.

SEC. 2. The method of procedure for the condemnation of property for purposes provided in Section 1 of this act shall be the same, so far as applicable, as now provided by law of this State, or that may be hereafter provided, for entering and condemnation of rights of way for use in the construction and operation of railroads.

SEC. 3. The fact that many cities and towns of this State have no adequate sewer system, and that no law exists authorizing condemnation proceedings for the purposes named in Section 1 of this act, and is essential that such power should exist to enable sewer systems to be built and operated, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 26, nays 0, and was reported to the House of Representatives where it was amended and passed by a two-thirds vote, yeas 89, nays 4; Senate concurred in House amendments by a two-thirds vote, yeas 24, nays 0.]

Approved May 27, 1899.

Became effective May 27, 1899.

## PUBLIC WEIGHERS—AMENDMENT.

## CHAPTER CLV.

S. H. B. Nos. 30, 166, 178, 205, 211, 230, 328, 366.]

An Act to amend Articles 4308, 4309, 4310, 4311, 4312, 4314, 4315, 4316, Title 90, Revised Civil Statutes of the State of Texas, relating to public weighers, and providing for the appointment and election of public weighers for justice precincts, when so desired by the voters of any justice precinct, and regulate the fees charged by the public weighers, and regulating the bonds of all public weighers, and providing for an election to abolish the public weigher's office in counties where it is not wanted, and repeal all laws and parts of laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 4308, 4309, 4310, 4311, 4312, 4314, 4315, 4316, Title 90, as described in the caption of this act, shall be so amended as to hereafter read as follows:

Article 4308. The Governor is hereby authorized and required to appoint five persons as public weighers in every city which receives annually one hundred thousand bales of cotton on sale or for shipment. In all of the counties in this State in which there are no city or cities in which the Governor is authorized to appoint public weighers, the commissioners court of said county, when presented with a petition signed by a majority of the qualified voters of any justice precinct in their county, praying for the appointment or election of public weighers for said precinct, shall appoint or order to be elected at the next general election one or more suitable persons for public weighers for said justice precinct, the number of weighers for any one precinct to be determined by said court, and should they appoint a public weigher for said justice precinct, he shall hold his office until the next general election, when there shall be elected for said justice precinct his successor, a public weigher, in the manner and form governing the election of other precinct officers; provided, the majority of the qualified voters shall be determined by a comparison with the whole number of votes cast at the last general election in such justice precinct for the office of Governor; and it is further provided, that no person shall be elected or appointed a public weigher unless he shall be a qualified elector in the city or justice precinct for which he is appointed or elected.

All public weighers appointed by the Governor or elected for justice precinct shall hold their office for the term of two years and until their successors are appointed or elected, as the case may be, and qualified, subject to removal for misconduct or incompetency in office; provided, no person shall be appointed or elected public weigher or deputy public weigher who is interested in the purchase or sale of cotton, wool, sugar or grain, to be weighed, either as principal, agent, factor, commission merchant or employe; provided further, that the commissioners' court may unite two or more justice precincts for the purpose of electing public weighers; provided further, that when the people of any county or subdivision thereof that has an elective weigher, may wish to abolish said office of public weigher, the commissioners' court of said county shall, upon petition to abolish said office, signed by qualified voters at least one-third in number of the whole vote cast for Governor at the last preceding elec-

tion in the county or weigher's precinct, as the case may be, order an election to decide whether such office of public weigher of the county or subdivision named in the petition shall be abolished or not.

Said election shall be held in the same manner as other elections, and if a majority of the votes of the county or subdivision of the county ordering said election shall be cast in favor of abolishing any office of public weigher, the commissioners' court shall declare such office to be abolished within thirty days after the election, and another election for this purpose shall not be held for two years, and no election shall be held for this purpose until two years after said office of public weigher has been created.

Article 4309. Every person appointed or elected public weigher shall take the oath of office prescribed by the Constitution for other officers, and shall execute a bond with good and sufficient sureties in the sum of five thousand dollars, to be approved by the commissioners' court of his county, and payable to the county judge or his successor in office; conditioned for the faithful and impartial performance of the duties of the office; provided, the bond of the public weigher for a justice precinct shall be two thousand five hundred dollars.

Article 4310. When a person is appointed or elected public weigher and shall have qualified, as provided in Article 4309, he shall enter upon the duties of his office and weigh, without unnecessary delay, all cotton, wool, sugar, hay, each wagon load of pecans and grain required to be weighed by him.

He shall prepare a convenient place or places of easy access to the public in which to perform his duties. He shall mark upon the bales of cotton, hogshead or barrels of sugar and bales of wool, or on tags attached thereto, the weight thereof in figures, and shall deliver to the owner, or their agents, of all cotton, wool, hay, sugar or grain weighed, a statement in writing setting forth the weights of such cotton, wool, sugar, hay or grain, over his official signature. He shall keep in a well bound book a record of each bale of cotton or sack of wool or barrel or hogshead of sugar or grain weighed by him, numbering the same, giving the gin marks of cotton bales and number, with name of the seller and purchaser thereof, which book shall be open at all reasonable hours for the inspection of the public, and he shall, upon the application therefor by any one, issue certified copies of such record.

Article 4311. The public weighers who shall have been appointed or elected under the provisions of this act, after they have taken the oath of office, and their bonds shall have been approved and recorded in the same manner as the bonds of county officers, shall have power and authority to appoint as many deputies as may be necessary to enable them to expediently weigh all cotton, wool, sugar, hay and grain offered to be weighed in the cities and justice precincts for which they are elected or appointed; provided, that no public weigher shall appoint deputies for any place or places not situated in the city or justice precinct for which he is elected or appointed. The public weigher for any justice precinct shall on request of twenty bona fide citizens of any town, railroad station or other place in his precinct, who are engaged in the buying or selling of cotton, wool, sugar, hay or grain, appoint a deputy for such town, railroad station or other place. The deputies of public weighers shall take the oath required of their principals, and their principals may require of them a bond with good and sufficient sureties, in the sum of

fifteen hundred dollars, to be approved by said principals, and conditioned for the faithful performance of their duties, and the said principals shall have the right to recover in any court having jurisdiction, satisfaction on said bonds for any damages sustained by reason of said deputy or deputies failing to properly perform the duties of their office.

Article 4312. All public weighers appointed or elected under the provisions of this act shall keep accurate and well adjusted scales and balances and give accurate weights, and shall have the same tested and certified to as provided by law. All public weighers appointed or elected under the provisions of this act shall be held responsible for their official acts and the official acts of their deputies, and shall be liable at suit for all damages that may have accrued to any person or persons by reason of their failure to perform their official duties or the violation of any of the provisions of this act, and their bonds shall not be void upon the first recovery but may be sued on from time to time, in the name of the person or persons injured until the whole thereof is recovered.

Article 4314. It shall not be lawful for any factor, commission merchant, or other person or persons, to employ any other than a public weigher or his deputies to weigh cotton, wool, sugar, hay or grain, or other produce sold or offered for sale in any city or justice precinct having a public weigher duly qualified, and any person or persons violating this provision shall be liable at the suit of the public weigher of such city or justice precinct to damages in any sum not less than five dollars for each bale of cotton, bale or sack of wool, ton of hay or ton of grain so unlawfully weighed, to be recovered in any court having jurisdiction thereof.

Article 4315. Public weighers appointed or elected under the provisions of this act shall receive the following fees: For each bale of cotton weighed, not to exceed ten cents, and when he shall run a cotton yard in connection with weighing, his compensation shall not exceed fifteen cents per bale as yardage. For each bale or sack of wool or hogshead of sugar or ton of hay, or each wagon load of pecans, five cents; for each wagon load or part of wagon load of grain, not to exceed five cents. No extra charge shall be made for extra statements.

Article 4316. Nothing in this act shall prevent any person from weighing his own cotton, wool, sugar, hay or grain in person; provided, that in places where there are no public weighers appointed or elected, that any person who shall weigh cotton, wool, sugar, hay or grain, for the compensation thereof shall be required, before weighing such produce, to enter into a bond with at least two good and sufficient sureties in the sum of twenty-five hundred dollars, payable to the county judge of the county for which he proposes to weigh, and his successors in office, conditioned that he will keep accurately balanced scales and that he will give true weights on all produce so weighed by him, and he shall take an oath, to be endorsed on said bond, that he will, to the best of his skill and ability, faithfully weigh and give true and correct weights of all produce weighed by him, which said bond shall be approved by the commissioners' court and recorded in the office of the county clerk, as other official bonds, and until such bond is so recorded such person shall not be authorized to weigh such produce and shall be liable to the penalties prescribed for in this act, and said bond shall be sued on in the name

of any person or persons injured by the violation of the provisions of this act.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed; provided, that this act shall not be construed to affect the right of any public weigher now duly elected or appointed and qualified to hold his office to the end of the term for which he was elected or appointed, subject, however, to the provisions of this act.

SEC. 3. The fact that the session is nearing a close and that the calendar is greatly crowded, and the further fact that there is no satisfactory law governing in the election of public weighers and regulating the office of public weigher, create an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby so suspended, and that this bill go into effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; House concurred in Senate amendments, no vote given; and passed the Senate, no vote given.]

Approved May 27, 1899.

## GENERAL APPROPRIATION BILL.

### CHAPTER CLVI.

F. C. C. S. B. for S. H. B. No. 111.]

An Act making appropriations for the support of the State government for the two years beginning March 1, 1899, and ending February 28, 1901, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the State government for the years beginning March 1, 1899, and ending February 28, 1901, and for other purposes:

EXECUTIVE OFFICE.	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
Salary of Governor.....	\$ 4,000 00	\$ 4,000 00
Salary of private secretary.....	1,700 00	1,700 00
Salary of stenographic clerk.....	1,050 00	1,050 00
Salary of porter.....	360 00	360 00
Salary of State revenue agent.....	1,900 00	1,900 00
Traveling and other expenses of revenue agent	500 00	500 00
Payment of rewards and other expenses necessary in the enforcement of the law....	7,500 00	7,500 00
For paymnt of rewards authorized by former Governors, to be expended under the direction of the Governor of the State.....	2,000 00	
Books and stationery.....	300 00	300 00
Freight, postage and telegraphing.....	500 00	500 00
Ice .....	36 00	36 00

	Years Ending— Feby. 28, 1900.	Feby. 28, 1901.
Office furniture.....	\$ 100 00	\$ 100 00
Contingent expenses.....	100 00	100 00
Salaries of board of pardon advisers.....	2,400 00	2,400 00

## MANSION AND GROUNDS.

For Governor's mansion and furniture, including repairs to mansion and improvements to grounds surrounding mansion and repairing barn, to be expended in two years.	3,000 00	
Labor and keeping up grounds surrounding mansion .....	600 00	600 00
Water and ice .....	200 00	200 00
Fuel and lights .....	450 00	450 00

## STATE DEPARTMENT.

Salary of Secretary of State.....	2,000 00	2,000 00
Salary of chief clerk.....	1,550 00	1,550 00
Salary of two assistants at \$1140 each.....	2,280 00	2,280 00
Two assistant clerks at \$950 each.....	1,900 00	1,900 00
Salary of porter.....	360 00	360 00
Salary of extra clerk to copy laws.....	250 00	
Freight, postage and express.....	1,250 00	1,250 00
Books and stationery.....	500 00	500 00
Furniture and files.....	175 00	
Contingent expenses.....	100 00	100 00
For purchase of two new book cases.....	75 00	

## COMPTROLLER'S DEPARTMENT.

Salary of Comptroller.....	2,500 00	2,500 00
Salary of chief clerk.....	1,700 00	1,700 00
Salary of chief bookkeeper.....	1,550 00	1,550 00
Salary of assistant bookkeeper.....	1,300 00	1,300 00
Salary of two corresponding clerks at \$1140 each .....	2,280 00	2,280 00
Salary of two sheriff's clerks, witness and attorneys' accountants at \$1,300 each.....	2,600 00	2,600 00
Salary of receiving clerk, who shall perform duties of first assistant clerk to Comptroller.	1,140 00	1,140 00
Salary of clerk for registering county and city bonds .....	1,100 00	1,100 00
Salary of warrant clerk.....	1,300 00	1,300 00
Salary of school and special warrant clerk..	1,100 00	1,100 00
Salary of bookkeeper in warrant department.	1,100 00	1,100 00
Salary of chief tax clerk.....	1,350 00	1,350 00
Salary of assistant tax clerk.....	1,100 00	1,100 00
Salary of redemption clerk.....	1,300 00	1,300 00
Salary of assistant redemption clerk.....	1,100 00	1,100 00
Salary of examining clerk.....	1,350 00	1,350 00
Salary of assistant examining clerk.....	1,100 00	1,100 00

	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
Salary of auditing clerk.....	\$ 1,275 00	\$ 1,275 00
Salary of assistant auditing clerk.....	1,100 00	1,100 00
Salary of deposit, warrant and general clerk..	1,140 00	1,140 00
Salary of mailing and file clerk.....	1,000 00	1,000 00
Salary of assistant mailing and file clerk....	900 00	900 00
Salaries of eleven first assistant clerks, \$1,000 each .....	11,000 00	11,000 00
Salaries of seven second assistant clerks at \$900 each.....	6,300 00	6,300 00
Salary of stenographer, who shall perform such other duties as may be required by the Comptroller .....	950 00	950 00
Salary of messenger.....	300 00	300 00
Salary of porter.....	375 00	375 00
Postage, telegraphing, office furniture, express and contingent.....	3,500 00	3,500 00
Books and stationery.....	1,500 00	1,500 00
Binding assessment rolls and tax collectors' reports .....	1,000 00	1,000 00
Traveling expenses of the Comptroller or his representatives when necessary to check up tax collectors' accounts or other official business .....	300 00	300 00
Salary of pension clerk.....	1,200 00	1,200 00

## TREASURY DEPARTMENT.

Salary of Treasurer.....	2,500 00	2,500 00
Salary of chief clerk.....	1,800 00	1,800 00
Salary of bookkeeper.....	1,500 00	1,500 00
Salary of assistant bookkeeper.....	1,100 00	1,100 00
Salary of receiving clerk.....	1,425 00	1,425 00

## SCHOOL LAND DEPARTMENT.

Salary of two bookkeepers at \$1,300 each...	2,600 00	2,600 00
Salary of first assistant bookkeeper.....	1,150 00	1,150 00
Salary of second assistant bookkeeper.....	1,100 00	1,100 00
Salary of third assistant bookkeeper.....	1,100 00	1,100 00
Salary of corresponding clerk.....	1,270 00	1,270 00
Salary of examining clerk.....	1,300 00	1,300 00
Salary of chief lease clerk.....	1,250 00	1,250 00
Salary of bond and assistant corresponding clerk .....	1,100 00	1,100 00
Salary of bookkeeper of University and asylum department .....	1,200 00	1,200 00
Salary of night watchman.....	700 00	700 00
Salary of collector and general office assistant.	600 00	600 00
Books and stationery.....	400 00	400 00
Postage .....	1,000 00	1,000 00
Contingent expenses .....	150 00	150 00

Years Ending—  
 Feby. 28, 1900.      Feby. 28, 1901.

Keeping in repair time locks, combinations and vaults, or so much thereof as may be needed for the purpose.....	\$ 150 00	\$ 150 00
Office furniture and files.....	150 00	150 00
Linoleum and carpet, treasury office.....	220 00	
To refund to purchasers or lessees of public domain, public school, University or asylum lands, the money paid by them into the State treasury in accordance with any of the laws of this State and where according to the certificate of the Commissioner of the General Land Office made under the provisions of said Chapter 3, as amended by act of the Twenty-fourth Legislature, in H. B. No. 358, it is shown that title can not issue or possession pass because of conflict, sales out of lands leased, erroneous sales and other causes patents can not issue, to be paid out of the respective funds to which said payments were credited, said claims to be approved by the Attorney-General and the Governor, as to correctness of claim and to whom due, to be expended within two years .....	50,000 00	35,000 00

#### GENERAL LAND OFFICE.

Salary of Commissioner .....	2,500 00	2,500 00
Salary of chief clerk.....	1,700 00	1,700 00
Salary of first assistant chief clerk.....	1,400 00	1,400 00
Salary of receiving clerk.....	1,350 00	1,350 00
Salary of Spanish clerk.....	1,300 00	1,300 00
Salary of legal examiner.....	1,500 00	1,500 00
Salary of corresponding clerk.....	1,140 00	1,140 00
Salary of first patent clerk.....	1,140 00	1,140 00
Salary of patent clerk.....	1,100 00	1,100 00
Salary of two abstract clerks at \$1,080 each..	2,160 00	2,160 00
Salary of two file clerks at \$1,100 each.....	2,200 00	2,200 00
Salary of one file room clerk.....	1,100 00	1,100 00
Salary of two transcript clerks at \$1,080 each.	2,160 00	2,160 00
Salary of chief draftsman.....	1,500 00	1,500 00
Salary of six compiling draftsmen.....	7,200 00	7,200 00
Salary of three assistant compiling draftsmen at \$1,100 each.....	3,300 00	3,300 00
Salary of letter register.....	1,100 00	1,100 00
Salary of index clerk.....	1,080 00	1,080 00
Salary of night watchman.....	600 00	600 00
Salary of porter and janitor.....	420 00	420 00
Stationery, books and furniture.....	1,500 00	1,500 00
Postage, telegraphing and contingent expenses	1,700 00	1,700 00
Wood .....	200 00	200 00



	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
Lithographing maps.....	\$ 450 00	\$ 450 00
Water and repairs to fixtures.....	150 00	150 00
Repairs to building and making pigeon hole files .....	400 00	250 00

## SCHOOL LAND DEPARTMENT.

Salary of chief clerk.....	1,500 00	1,500 00
Salary of three lease clerks at \$1,100 each...	3,300 00	3,300 00
Salary of two corresponding clerks at \$1,100 each .....	2,200 00	2,200 00
Salary of one draftsman.....	1,140 00	1,140 00
Salary of one bookkeeper.....	1,200 00	1,200 00
Salary of one file clerk.....	1,100 00	1,100 00
Salary of head sales clerk.....	1,350 00	1,350 00
Salary of one additional sales clerk.....	1,150 00	1,150 00
Salary of assistant sales clerk.....	1,120 00	1,120 00
For purchase of Gammel's publications of Early Texas Laws and Batts' Annotated Statutes .....	112 50	

## ATTORNEY-GENRAL'S OFFICE.

Salary of Attorney-General.....	2,000 00	2,000 00
And the further sum each year, or so much thereof as may be necessary, to pay such fees as may be prescribed by law.....	2,000 00	2,000 00
Salary of first office assistant.....	2,500 00	2,500 00
Salary of second office assistant.....	2,000 00	2,000 00
Salary of third office assistant.....	2,000 00	2,000 00
Salary of stenographic clerk.....	950 00	950 00
Salary of filing and recording clerk.....	950 00	950 00
Stationery, postage and telegraphing.....	500 00	500 00
Law books and periodicals.....	500 00	200 00
Cost of depositions and procuring evidence ...	400 00	400 00
Salary of porter and messenger.....	360 00	360 00
Actual traveling expenses incurred by Attor- ney-General or any of his assistants, in giv- ing attention to the State's business pending elsewhere than in the courts held in the City of Austin, vouchers to be made under official certificates .....	600 00	600 00
Contingent expenses.....	100 00	100 00
To purchase two type writers, provided the Attorney-General shall be authorized to exchange the two second-hand typewriters now on hand as part payment of the two new ones to be purchased.....	140 00	
For carpeting Attorney-General's office.....	142 00	
For one dozen office chairs.....	60 00	

Years Ending—  
Feby. 28, 1900. Feby. 28, 1901.

For certified copies of pleadings and other documents necessary to the preparation of causes, and not coming strictly under the head of depositions and procuring evidence.	\$ 150 00	\$ 150 00
To pay costs in civil cases when such costs are adjudged against the State, or when such costs can not be recovered from the defendant, in which only such costs as are incurred by the State in such civil cases shall be paid out of this fund, such accounts to be approved by the Attorney-General..	1,000 00	1,000 00

## COURT OF CRIMINAL APPEALS.

Salaries of three judges.....	12,000 00	12,000 00
Salary of stenographer.....	950 00	950 00
Sheriff's attendance on court.....	200 00	200 00
Postage .....	150 00	150 00
Contingent expenses.....	200 00	200 00
Fuel and lights.....	100 00	100 00
Law books, to be selected by the presiding judge .....	150 00	150 00
Records books and stationery.....	200 00	200 00
Salary, mileage, fees and traveling expenses of Assistant Attorney-General.....	3,000 00	3,000 00
Telegraphing and contingent expenses of Assistant Attorney-General.....	50 00	50 00
Salary of porter.....	360 00	360 00
Clerks' fees in felony cases, or so much thereof as may be necessary.....	3,000 00	3,000 00

## SUPREME COURT.

Salary of three judges.....	12,000 00	12,000 00
Salary of the clerk of the Supreme Court and librarian .....	2,500 00	2,500 00
Salary of stenographer and law clerk; provided the stenographer shall not be authorized by accepting this position to present any claim against the State for any further sum....	1,000 00	1,000 00
Salary of bailiff and assistant librarian.....	300 00	300 00
Porter hire for judges and consultation room.	360 00	360 00
Porter for library and clerk's office.....	360 00	360 00
Record books and stationery.....	500 00	500 00
Postage .....	150 00	150 00
Contingent expenses.....	160 00	160 00
Purchase of books for Supreme Court library and books for consultation room, to be purchased upon the recommendation of the Chief Justice of the Supreme Court.....	1,250 00	1,250 00

## DEPARTMENT OF EDUCATION.

	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
Salary of State Superintendent of Public Instruction .....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,550 00	1,550 00
Salary of statistical clerk.....	1,140 00	1,140 00
Salary of auditing and index clerk.....	1,140 00	1,140 00
Salary of corresponding and examining clerk	1,140 00	1,140 00
Salary of corresponding and general clerk..	1,100 00	1,100 00
Salary of head corresponding and stenographic clerk.....	950 00	950 00
Salary of mailing and blank room clerk....	900 00	900 00
Salary of porter .....	360 00	360 00
Actual traveling expenses of Superintendent when visiting schools and teachers' and trustees' meetings, and when on official business, relating to the interest of the public school.....	200 00	200 00
Postage, stationery, office furniture, files, binding reports and other books and pamphlets .....	1,100 00	1,100 00
Express, freight, telegraphing and incidental expenses; provided, incidental expenses do not exceed \$100.....	450 00	450 00
Printing and distributing county superintendents' record books, county and city treasurers' record books, teachers' daily registers, school laws, courses of study, examination questions, teachers', superintendents' and treasurer's blank reports, census blanks, circulars to school officers and teachers and other blank forms and circulars necessary for the use of teachers and other school officers, and for the advancement of the cause of education.....	3,725 00	3,725 00
For support of the public free schools for two years, all the available public free school fund arising from interest or lease of school lands, interest on bonds, school taxes and all other sources of revenue to said fund.		

## RAILROAD COMMISSION.

Salary of three Commissioners.....	12,000 00	12,000 00
Salary of secretary.....	1,750 00	1,750 00
Salary of rate clerk.....	1,500 00	1,500 00
Salary of general clerk.....	1,200 00	1,200 00
Salary of porter.....	300 00	300 00
Pay of experts and other necessary expenses..	12,000 00	12,000 00
Sheriffs' and witness' fees and mileage.....	500 00	500 00
Transportation of Commissioners and clerks.	250 00	250 00

	Years Ending—	
	Feb'y. 28, 1900.	Feb'y. 28, 1901.
Postage, stationery, books, telegraphing and express charges.....\$	625 00	\$ 625 00
Furniture, fixtures and files.....	100 00	100 00
Contingent expenses.....	100 00	100 00

DEPARTMENT OF AGRICULTURE, INSURANCE,  
STATISTICS AND HISTORY.

Salary of Commissioner.....	2,000 00	2,000 00
Salary of chief clerk.....	1,700 00	1,700 00
Salary of bookkeeper and statistical clerk and stenographer .....	1,140 00	1,140 00
Salary of agricultural clerk.....	1,100 00	1,100 00
Salary of historical clerk.....	1,100 00	1,100 00
Salary of porter.....	360 00	360 00
Expense of Commissioner in enforcing insurance laws.....	500 00	500 00
Postage, stationery and express.....	400 00	400 00
Contingent expenses.....	100 00	100 00
Books for State library.....	450 00	450 00
Book cases and shelving.....	100 00	100 00
Collecting historical data.....	150 00	150 00
Subscription to newspapers, magazines and binding .....	100 00	100 00

All bills to be approved by Commissioner and Governor.

STATE UNIVERSITY.

For the support and maintenance of the University of Texas, including such repairs and improvements and extension as the Board of Regents may deem necessary, all the available fund, including under this head the interest from its land notes, the interest from its bonds, the income from its leases, and the fees from its students, to be under the control of the Board of Regents, less the appropriation made for the Agricultural and Mechanical College; all yearly fees collected from the students in the academic department to be fixed by the regents at \$10 per annum for three years only, with such laboratory fees as the regents shall fix, and \$30 admission fee from each student in the law department, to be paid but once.

To supplement the available fund for the support and maintenance of the main University, from the general revenue.....

40,000 00      40,000 00

## MEDICAL DEPARTMENT, GALVESTON.

Years Ending—  
 Feby. 28, 1900.      Feby. 28, 1901.

Fees from students, and from general revenue .....\$ 35,000 00    \$ 35,000 00

To be a charge against the appropriations above made out of the general revenue, the Board of Regents shall charge each student in medicine and pharmacy a matriculation fee of not less than \$30.00, payable annually, in advance, also a fee of \$5.00 annually, in advance, for each laboratory attended to cover the costs of material used; the proceeds of the above fees shall be charged against the appropriations made for the payment of salaries of professors and employes and for current expenses, and the aggregate amount appropriated for such purposes shall be drawn, less the amount of the fees received and here appropriated.

## COURT OF CIVIL APPEALS—FIRST DISTRICT.

Salaries of three judges.....	10,500 00	10,500 00
Salary of stenographer.....	600 00	600 00
Books for library.....	250 00	250 00
Bailiff .....	100 00	100 00
Salary of porter.....	300 00	300 00
Postage .....	100 00	100 00
Record books and stationery.....	200 00	200 00
Furniture .....	150 00	
Contingent expenses, including fuel, lights and ice.....	150 00	150 00

## COURT OF CIVIL APPEALS—SECOND DISTRICT.

Salaries of three judges.....	10,500 00	10,500 00
Salary of stenographer.....	600 00	600 00
Salary of bailiff.....	100 00	100 00
Salary of porter.....	300 00	300 00
Postage .....	100 00	100 00
Record books and stationery.....	200 00	200 00
Contingent expenses, including fuel, lights and ice.....	150 00	150 00
Books for library.....	250 00	250 00

## COURT OF CIVIL APPEALS—THIRD DISTRICT.

Salaries of three judges.....	10,500 00	10,500 00
Salary of bailiff.....	100 00	100 00
Salary of porter.....	300 00	300 00
Record books and stationery.....	200 00	200 00
Postage and box rent.....	100 00	100 00

	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
Salary of stenographer.....	\$ 600 00	\$ 600 00
Contingent expenses, including fuel, lights and ice.....	50 00	50 00

## COURT OF CIVIL APPEALS—FOURTH DISTRICT.

Salaries of three judges.....	10,500 00	10,500 00
Salary of stenographer.....	600 00	600 00
Salary of bailiff.....	100 00	100 00
Salary of porter.....	300 00	300 00
Postage .....	100 00	100 00
Record books and stationery.....	200 00	200 00
Books for library.....	250 00	250 00
Contingent expenses, including fuel, lights and ice.....	150 00	150 00
Furniture .....	150 00	

## COURT OF CIVIL APPEALS—FIFTH DISTRICT.

Salaries of three judges.....	10,500 00	10,500 00
Salary of stenographer.....	600 00	600 00
Salary of bailiff.....	100 00	100 00
Salary of porter.....	300 00	300 00
Record books and stationery.....	200 00	200 00
Postage .....	100 00	100 00
Books for library and consultation.....	250 00	250 00
Contingent expenses, including fuel, lights and ice.....	100 00	100 00
Office furniture, fixtures, etc.....	150 00	

## JUDICIARY DEPARTMENT.

Salary of fifty-six district judges.....	140,000 00	140,000 00
Salary of thirty-eight district attorneys.....	19,000 00	19,000 00
Salary of one criminal district attorney.....	500 00	500 00
Salary of two criminal district judges.....	5,000 00	5,000 00
Fees and costs of sheriffs, clerks and attor- neys in felony cases.....	300,000 00	300,000 00

Nor shall the Comptroller approve the account of any sheriff for conveying a convict from the penitentiary to any county for trial on a felony charge, which, if convicted, would receive a sentence concurrent with the sentence he was already serving; nor shall such attorneys, clerks or sheriffs be entitled to fees and costs in more than one case, where the defendant is convicted in two or more cases, unless the judgment in the second and subsequent convictions shall be that the punishment shall begin when the judgment and sentence in the

Years Ending—  
Feby. 28, 1900. Feby. 28, 1901.

preceding conviction have ceased to operate; nor shall the district judge approve accounts for such fees and costs.

Expenses of attached and subpoenaed witnesses; provided, that neither the district judge nor the Comptroller shall approve the claim of any person attached as a witness while under indictment for a felony in the same court in which he is attached to testify .....	\$100,000 00	\$100,000 00
Salary of special judges.....	1,500 00	1,500 00
Salary of Supreme Court reporter.....	3,000 00	3,000 00
Salary of Court of Criminal Appeals reporter.....	3,000 00	3,000 00
Salary of assistant Supreme Court reporter or reporters .....	3,000 00	3,000 00
Fees of county judges, justices of the peace, sheriffs and constables in examining trials; and provided, that no part of the same shall be paid to the city recorders or city marshals for services in examining trials.....	15,000 00	15,000 00

#### PENSIONS.

Pay of veterans under General Laws.....	50,000 00	50,000 00
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#### PUBLIC DEBT.

Payment of interest on public debt.....	224,420 20	224,420 20
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#### MISCELLANEOUS.

For payment of Mahon and Shawx of State occupation taxes unlawfully paid by them as ice dealers.....	10 00
For payment of claim of A. H. Tandy, as an attached witness in State case in district court of Armstrong county, at the August term thereof, 1897.....	24 48
For the payment of commissions and fees due district and county attorneys or attorneys ad litem on collections of interests and forfeiture of all school lands, said money so collected and land so forfeited being the property of the free school funds. The accounts of the district or county attorneys approved and verified by the State Treasurer and the Attorney-General shall be sufficient authority for the Comptroller to draw his warrant for the payment of such commissions .....	600 00

	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
Refund taxes illegally collected in Bell county, Texas, to the following, assessed and paid on for various years:		
H. C. Harris, total State tax.....\$	91	33
E. A. Scholz, " " " .....	26	56
B. A. Guess, " " " .....	5	23
J. A. Moseley, " " " .....	11	25
J. B. Nunnely, " " " .....	73	08
The same being payments on lands of the I. & G. N. Ry. Co., whose lands are exempt from taxation.		
Refunding to the United States government the over-amount paid the State of Texas of the appropriation by Congress in the Deficiency Act of July 7th, 1898.....	45,125	56
To refund to the First National Bank of Mt. Pleasant, Texas, occupation tax collected without authority of law.....	118	75
To pay to D. Storms, ex-county attorney of El Paso county, Texas, for services in examining trials, account duly approved by Comptroller .....	130	00
To refund to the First National Bank of Pittsburg, Texas, occupation tax collected without authority of law.....	118	75
To pay to persons holding deficiency certificates against the State of Texas, for salary due court stenographers, the following:		
S. J. Von Koenneritz.....	800	00
Lenora H. Mathews.....	200	00
S. R. Evans.....	200	00
Walter Bremond.....	400	00
H. Hirschfeld.....	500	00
Mrs. Fannie Moses.....	1,100	00
To pay R. J. Breckenridge for Mrs. Lenora H. Mathews.....	1,100	00
To pay F. H. Sparler, of Henderson, Texas, occupation tax unlawfully collected.....	25	00
To refund to First National Bank of Rockport, Texas, occupation tax unlawfully collected .....	106	25
To pay W. D. Allison, sheriff of Midland county, fees for conveying attached witness under telegraphic order from district judge of El Paso county, Texas.....	34	30
Salary of Fish and Oyster Commissioner....	1,800	00
Office rent, traveling and other expenses of Commissioner .....	600	00
To pay all costs taxed and adjudged against the State which the Attorney-General may find properly chargeable to the State, upon		



	Years Ending— Feby. 28, 1900.	Feby. 28, 1901.
the State's intervention in the case of Mary R. Talmage vs. George L. Glass, formerly pending in the United States Circuit Court for the Eastern District of Texas, or so much thereof as may be necessary....\$	226	88
To pay W. W. Freeman, as assignee of H. B. Porter, for services rendered by said Porter as a quarantine guard during the prevalence of small-pox at Del Rio, Texas, from December 13th, 1890, to January 1, 1891....	54	00
To pay claim of I. W. Sparks, sheriff of Lee county, for conveying attached witness to the October, 1898, term of the Harris county district court, under the orders of the court when no opportunity was allowed witness to give bond.....	17	10
To pay claim of W. Y. Robinson, sheriff of San Jacinto county, the following fees in criminal cases barred by the statute, for failure to file the claims with the Comptroller within twelve months from date of their accrual, towit: No. 1808, Thomas Fitz, \$6.80; No. 1823, William Scott, \$8.00; No. 1811, Ress Wanzar, \$7.70; No. 1778, Clarence White, \$17.80; No. 1788, C. W. Robinson, \$5.00; No. 1793, Jim Robinson, \$7.00; No. 1807, Thomas Fitz, \$4.50; No. 1824, Anthony White, \$13.70; No. 1809, Willis Dick McCowan, \$7.90; No. 1898, Lawson Keely, \$6.00; No. 1874, Wince Johnson, \$9.80.....	94	20
To pay librarian at Tyler for services performed from March 1, 1895, to November 1, 1895, eight months at \$25.00 per month, \$200.00; from November 1, 1895, to January 1, 1897, fourteen months at \$25.00 per month, \$350.00; provided, that satisfactory proof shall be made to the Comptroller that the services were rendered under appointment by the Court of Appeals and the account has never been paid.....	550	00
For the payment of amounts due the railway companies of this State for the transportation of troops and of volunteers rejected by proper authorities between points within this State, during the late war with Spain, the sum of twenty-five thousand dollars, to be paid by the State Treasurer on the warrant of the Governor, such warrant to be issued only upon satisfactory proof to the Governor and Adjutant-General that such		

Years Ending—  
 Feby. 28, 1900. Feby. 28, 1901.

service was actually rendered, and that the same was rendered on the order or request of the proper authority, and then only after the Governor has been advised that such accounts or debts will be approved and the amount paid to the Governor of this State by the United States treasurer immediately upon their payment by the Governor of this State, and the Governor of this State is hereby authorized to receive such payment from the United States treasurer.

To supplement contingent expenses Twenty-sixth Legislature.....\$ 2,500 00

#### STATE ORPHAN ASYLUM.

Salary of Superintendent.....	1,000 00	\$ 1,000 00
Salary of matron.....	540 00	540 00
Salary of seven teachers.....	2,520 00	2,520 00
Salary of one cook and two assistant cooks at \$200.00 each.....	600 00	600 00
Salary of one baker.....	300 00	300 00
Salaries of three laundresses at \$160.00 each.....	480 00	480 00
Salary of physician (not to live in the asylum).....	600 00	600 00
Farm labor, dairyman and gardener.....	500 00	500 00
Salary of trained nurse.....	360 00	360 00
Salaries of eight assistant nurses at \$200.00 each.....	1,600 00	1,600 00
Salary of night watchman.....	360 00	360 00
Salary of industrial manager, to be under the direction of the board of directors, and to board himself.....	1,000 00	1,000 00
Salaries of two seamstresses at \$240.00 each..	480 00	480 00
Maintenance: To include dry goods and groceries of every kind, hats, caps, boots, shoes, sewing machines, needles, thread, furniture, farming implements, drugs and medicine, and such feed and stock as may be necessary to run a farm and dairy, plumbing material and blacksmithing.....	18,000 00	18,000 00
Fuel.....	500 00	500 00
Postage and stationery.....	100 00	100 00
Bedding.....	500 00	500 00
School books and school supplies, to include books, maps, pens, ink, pencils, paper, kindergarten supplies and school stationery...	500 00	500 00
Window curtains, towels, table linen and table oil cloth.....	200 00	200 00
Transportation.....	150 00	150 00
Telephone.....	60 00	60 00
Electric lights.....	1,000 00	1,000 00

	Years Ending— Feby. 28, 1900.	Feby. 28, 1901.
Hardware, tableware and cutlery.....	\$ 200 00	\$ 200 00
To seat assembly hall in school building....	500 00	
To erect room where girls can be taught to cook .....	500 00	
To repair two old buildings, painting and add- ing galleries.....	1,000 00	
To purchase farming land, to give employment to the children. Three tracts of land that adjoin the Home and contain fifty, ninety and forty-five acres respectively; total, one hundred and eighty-five acres, at not to exceed twenty dollars per acre, title to be approved by the Attorney-General.....	3,700 00	
To build and equip blacksmith, carpenter and shoe shops.....	1,000 00	
To build and equip broom and mattress factory .....	500 00	
To erect a dairy.....	250 00	
To erect wagon and farm implement house and sheds.....	400 00	
One engine and pump.....	600 00	

## STATE LUNATIC ASYLUM.

Salary of Superintendent.....	2,000 00	2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of steward or storekeeper and account- ant .....	900 00	900 00
Salary of assistant storekeeper for six months.	210 00	
Salary of matron.....	600 00	600 00
Salary of apothecary.....	550 00	550 00
Salary of supervisor.....	480 00	480 00
Salary of supervisoress.....	480 00	480 00
Salary of outside supervisor.....	550 00	550 00
Salary of engineer.....	720 00	720 00
Salary of assistant engineer.....	480 00	480 00
Salary of gardener and florist.....	300 00	300 00
Salary of chief cook.....	550 00	550 00
Salary of first assistant cook.....	300 00	300 00
Salaries of two second assistant cooks at \$240 each .....	480 00	480 00
Salary of baker.....	480 00	480 00
Salary of assistant baker.....	240 00	240 00
Salary of carpenter.....	540 00	540 00
Salary of assistant carpenter and blacksmith.	400 00	400 00
Salaries of two firemen at \$300 each.....	600 00	600 00
Salaries of seven night watchmen at \$300 each	2,100 00	2,100 00
Salary of head laundress.....	360 00	360 00
Salary of assistant laundress.....	300 00	300 00
Salaries of six laundresses at \$240 each.....	1,440 00	1,440 00

	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
Salary of head seamstress.....	\$ 300 00	\$ 300 00
Salaries of six seamstresses at \$240 each.....	1,440 00	1,440 00
Salaries of fifty attendants, no one of whom shall receive over \$20 per month.....	12,000 00	12,000 00
Salaries of two trained nurses at \$360 each...	720 00	720 00
Salaries of three farm hands at \$180 each....	540 00	540 00
Salary of dairyman.....	300 00	300 00
Salary of plasterer and painter.....	480 00	480 00
Groceries, fuel, light and water, including pay of board of managers at \$5 per month for attendance upon meetings of the board, and mileage .....	62,500 00	62,500 00
Dry goods and clothing.....	12,000 00	12,000 00
Furniture and beds.....	1,000 00	1,000 00
General repairs and painting.....	3,000 00	3,000 00
Transportation of patients.....	750 00	750 00
Medical stores and surgical instruments.....	1,250 00	1,250 00
Literature and amusements.....	500 00	500 00
Contingent expenses.....	500 00	500 00
Cows, horses, mules and hogs.....	250 00	
Hacks, wagons, harness and farm tools.....	200 00	
Trees, seeds and flowers.....	75 00	75 00
Laundry machinery.....	1,000 00	300 00
Repairing machinery and roof.....	1,000 00	500 00
Engineers' and carpenters' tools.....	100 00	50 00
Artesian well and appliances.....	5,500 00	
Steam heating plants for new and old buildings .....	10,000 00	
Repairing basement of old buildings and rooms now occupied by employes, so that they can be occupied by patients.....	2,500 00	
Erection of new infirmary.....	10,000 00	
Erection of building, to be used as an associate dining hall, kitchen, store room, amusement hall, and quarters for employes, to be done under the supervision of a competent architect, appointed by the Governor salary of such architect to be paid out of the appropriation .....	37,500 00	
Additional appropriations made to comport with provisions made for additional buildings.		
Salary of ten attendants at \$240 each.....		2,400 00
Salary of five night attendants at \$300 each..		1,500 00
Salary of one cook.....		240 00
Groceries, fuel, lights and water.....		20,000 00
Dry goods and clothing.....		3,000 00
Furniture and beds, to be expended in two years .....	3,000 00	

## SOUTHWESTERN INSANE ASYLUM.

	Years Ending— Feby. 28, 1900.	Feby. 28, 1901.
Salary of Superintendent.....	\$ 2,000 00	\$ 2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of steward or storekeeper and account- ant .....	900 00	900 00
Salary of apothecary.....	550 00	550 00
Salary of matron.....	600 00	600 00
Salary of supervisor.....	480 00	480 00
Salary of supervisoress.....	480 00	480 00
Salary of head farmer and outside supervisor..	480 00	480 00
Salary of chief engineer and plumber.....	720 00	720 00
Salary of assistant engineer and electrician..	480 00	480 00
Salaries of two firemen at \$300 each.....	600 00	600 00
Salary of gardener.....	300 00	300 00
Salary of chief cook.....	480 00	480 00
Salary of first assistant cook.....	300 00	300 00
Salaries of three second assistant cooks at \$240 each .....	720 00	720 00
Salary of baker.....	480 00	480 00
Salary of carpenter.....	480 00	480 00
Salaries of four night watchmen at \$300 each	1,200 00	1,200 00
Salary of head laundress or laundryman....	360 00	360 00
Salaries of four laundresses at \$240 each....	960 00	960 00
Salary of head seamstress.....	300 00	300 00
Salaries of three seamstresses at \$240 each...	720 00	720 00
Salaries of thirty-five attendants, or as many thereof as may be necessary at \$240 each..	8,400 00	8,400 00
Salaries of two trained nurses at \$360 each...	720 00	720 00
Salaries of three farm hands at \$180 each....	540 00	540 00
Salary of dairyman.....	300 00	300 00
Groceries, fuel, lights and water, including pay of the board of managers at \$5 per month for attendance upon meetings of the board, and mileage.....	50,000 00	50,000 00
Dry goods and clothing.....	9,000 00	9,000 00
Transportation of patients.....	700 00	700 00
Medical stores and surgical instruments.....	500 00	500 00
Literature and amusements.....	500 00	500 00
Contingent expenses.....	450 00	450 00
Cows, horses, mules and hogs.....	250 00	250 00
Wagons, hacks and harness.....	150 00	150 00
Trees, seeds, farm machinery and tools.....	200 00	200 00
Engineers' and carpenters' tools.....	250 00	100 00
Bridges, culverts and grounds.....	200 00	200 00
Fencing park.....	150 00	150 00
Laundry machinery.....	1,500 00	
General repairs and preservation, including painting .....	1,000 00	1,000 00
Roof over natatorium.....	600 00	

	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
For the purchase of furniture and bedding; provided, that none but iron bedsteads be purchased .....	\$ 2,500 00	\$ 500 00
Building additions to barn, cow and hog sheds, and sheds for tools and implements.....	1,000 00	
New boiler, engine, dynamo and engineers' and plumbers' material for supplying new buildings; provided, that some care will be taken in the purchase of this machinery to protect the interest of the State.....	9,000 00	
Digging surface well with pump to supply asylum with drinking water, new tower and cistern .....	2,000 00	
To complete new buildings.....	2,500 00	

## NORTH TEXAS INSANE ASYLUM.

Salary of Superintendent.....	2,000 00	2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00
Salary of steward, or storekeeper and accountant .....	900 00	900 00
Salary of assistant storekeeper for six months	210 00	
Salary of matron.....	600 00	600 00
Salary of apothecary.....	550 00	550 00
Salary of ward supervisor.....	480 00	480 00
Salary of head farmer and outside supervisor.	480 00	480 00
Salary of chief engineer and plumber.....	720 00	720 00
Salary of assistant engineer and electrician...	480 00	480 00
Salary of supervisoreess.....	480 00	480 00
Salary of head carpenter.....	540 00	540 00
Salary of three firemen at \$300 each.....	900 00	900 00
Salary of painter and plasterer.....	480 00	480 00
Salary of gardener.....	320 00	320 00
Salaries of three farm hands at \$180 each...	540 00	540 00
Salary of head cook.....	550 00	550 00
Salary of first assistant cook.....	300 00	300 00
Salary of second assistant cook.....	240 00	240 00
Salary of third assistant cook.....	240 00	240 00
Salary of baker.....	480 00	480 00
Salary of assistant baker.....	240 00	240 00
Salary of head laundress.....	360 00	360 00
Salaries of eight laundresses at \$240 each....	1,920 00	1,920 00
Salary of head seamstress.....	300 00	300 00
Salaries of seven seamstresses at \$240 each..	1,680 00	1,680 00
Salaries of seventy attendants at \$240 each..	16,800 00	16,800 00
Salaries of four special nurses at \$300 each..	1,200 00	1,200 00
Salary of one trained nurse.....	360 00	360 00
Salary of outside watchman.....	360 00	360 00
Salaries of six night watchmen at \$300 each..	1,800 00	1,800 00

	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
Salary of dairyman.....	\$ 300 00	\$ 300 00
Groceries, fuel, lights and water, including pay of board of managers at \$5 per month for attendance upon the meetings of the board and mileage.....	87,678 00	87,678 00
Transportation of patients.....	1,000 00	1,000 00
Contingent expenses.....	500 00	500 00
Dry goods and clothing.....	16,500 00	16,500 00
Medical stores and surgical instruments.....	1,500 00	1,500 00
Trees, seeds and stocks.....	250 00	250 00
Wagons, hacks and harness.....	300 00	
Carpenters' tools, to be expended in two years.	100 00	
Engineers' tools.....	50 00	
Mowers, plows and farm implements.....	200 00	200 00
Furniture ands (iron bedsteads).....	1,000 00	1,000 00
General repairs and painting roof, to be ex- pended in two years.....	5,000 00	
Purchase of mules, horses, cows and hogs....	200 00	200 00
Literature and amusement.....	500 00	500 00
Pipes and piping.....	1,000 00	500 00
Bridges, culverts and grounds, to be expended in two years.....	300 00	
Laundry machinery.....	1,000 00	250 00
Painting standpipe, to be expended in two years .....	100 00	
Cold storage plant, erection of.....	1,250 00	
Fencing, to be expended in two years.....	300 00	
Range for new hospital.....	100 00	
For equipment of fire department.....	500 00	
Erection of a new building for females, to accommodate two hundred and fifty patients and to correspond with the one recently com- pleted for males, to be done under the super- vision of a competent architect, to be ap- pointed by the Governor of Texas, salary of such architect to be paid out of the appro- priation .....	32,000 00	

Provided, that the interest on all securities held by the lunatic asylum fund is hereby appropriated in part payment of the appropriation of the three lunatic asylums, the remainder of the appropriation to be paid out of the general revenue. All moneys now in, or which may hereafter be paid into the State treasury for the board and treatment of non-indigent patients and from sales of personal property of the three lunatic asylums, shall be paid over to the State treasurer monthly and credited by him to the general revenue.

Years Ending—  
 Feby. 28, 1900. Feby. 28, 1901.

Additional appropriations made to comport with the provisions made for additional buildings for the accommodation of more inmates.

Groceries .....	\$ 8,500 00	
Dry goods and clothing.....	1,500 00	
Furniture and beds.....	750 00	
Assistant supervisor.....	360 00	
Salaries of eight attendants at \$240 each....	1,920 00	
Salaries of three laundresses at \$240 each....	720 00	
Salary of one night watchman.....	360 00	
Erection of laundry, drying, ironing and sewing room.....	\$ 10,500 00	
Repairing present laundry for additional store room and sleeping apartments for outside employes .....	1,500 00	

#### BLIND ASYLUM.

Salary of Superintendent.....	2,000 00	2,000 00
Salary of oculist.....	900 00	900 00
Salary of steward, or storekeeper and accountant, without board.....	900 00	900 00
Salary of first matron.....	440 00	440 00
Salary of second matron.....	440 00	440 00
Salary of principal teacher and six assistants in literary department, teacher of kindergarten and assistant, and five teachers in music .....	8,700 00	8,700 00
Salary of music reader.....	540 00	540 00
Salary of teacher of sewing, crochet and wool work .....	400 00	400 00
Salary of teacher of trades, without board....	450 00	450 00
Salary of assistant teacher of trades.....	315 00	315 00
Salary of sick nurse and monitress for large girls .....	270 00	270 00
Salary of sick nurse and monitor for large boys .....	270 00	270 00
Salary of monitress and seamstress for small girls .....	240 00	240 00
Salary of monitress and seamstress for small boys .....	240 00	240 00
Salary of night watchman, without board....	500 00	500 00
Salary of engineer, electrician and plumber, without board.....	900 00	900 00
Salary of hostler and yard man, west side....	300 00	300 00
Salary of head cook, baker and three assistants	900 00	900 00
Salary of laundress and three assistants.....	800 00	800 00
Salary of housekeeper (large boys' department) .....	225 00	225 00
Salaries of three chambermaids at \$170 each.	510 00	510 00



	Years Ending—	
	Feb'y. 28, 1900.	Feb'y. 28, 1901.
Salaries of four dining room girls at \$157.50 each .....	\$ 630 00	\$ 630 00
Salaries of five trustees.....	300 00	300 00
Transportation of indigent pupils.....	1,200 00	1,200 00
Clothing of indigent pupils.....	1,000 00	1,000 00
Coal and wood.....	2,000 00	1,700 00
Water and lights.....	600 00	600 00
Groceries, provisions, printing necessary for school stationery, labor, medicine, contingent expenses and miscellaneous; provided, that contingent and miscellaneous expenses shall not exceed \$500 each year.....	15,500 00	15,500 00
Removing overhead plastering and ceiling with plank .....	700 00	
General repairs, repainting and replastering partition .....	1,000 00	750 00
Additional buildings for dormitories and bath-rooms, plumbing included, and galleries..	3,000 00	
Purchasing one hundred iron bedsteads.....	600 00	
Raising smokestack.....	380 00	
New engine and grate bars, three furnaces....	630 00	
Purchase of two new pianos, musical instruments, music books in line and point print, dissected maps and apparatus for school...	1,000 00	
For repairing laundry, bath room, lavatories, water closets, steam and water pipes, floors and galleries.....	1,200 00	

## DEAF AND DUMB ASYLUM.

Salary of Superintendent.....	2,000 00	2,000 00
Salary of principal, without board.....	1,500 00	1,500 00
Salary of second teacher, without board.....	1,175 00	1,175 00
Salary of third teacher, without board.....	1,000 00	1,000 00
Salary of fourth teacher, without board.....	1,000 00	1,000 00
Salary of fifth teacher, without board.....	775 00	775 00
Salary of sixth teacher, without board.....	775 00	775 00
Salary of seventh teacher, without board....	775 00	775 00
Salary of eighth teacher, without board.....	775 00	775 00
Salary of ninth teacher, without board.....	775 00	775 00
Salary of tenth teacher, without board.....	775 00	775 00
Salary of eleventh teacher, without board....	775 00	775 00
Salary of twelfth teacher, without board.....	775 00	775 00
Salary of thirteenth teacher, without board...	655 00	655 00
Salary of first oral teacher, without board....	870 00	870 00
Salary of second oral teacher, without board..	810 00	810 00
Salary of third oral teacher, without board...	775 00	775 00
Salary of fourth oral teacher, without board..	655 00	655 00
Salary of fifth oral teacher, without board..	655 00	655 00
Salary of sixth oral teacher, without board..	655 00	655 00
Salary of seventh oral teacher, without board	655 00	655 00

	Feb'y. 28, 1900.	Years Ending— Feb'y. 28, 1901.
Salary of art teacher, without board.....\$	775 00	\$ 775 00
Salary of steward or storekeeper and account- ant .....	900 00	900 00
Salary of first matron.....	480 00	480 00
Salary of second matron.....	480 00	480 00
Salary of monitor.....	480 00	480 00
Salary of monitress for girls.....	400 00	400 00
Salary of monitresses, small boys, at \$400 each .....	800 00	800 00
Salary of one sick nurse.....	400 00	400 00
Salary of instructor in tailoring, without board .....	775 00	775 00
Salary of instructor in printing, without board	900 00	900 00
Salary of instructor in shoemaking, without board .....	895 00	895 00
Salary of instructor in carpentry, without board .....	895 00	895 00
Salary of instructor in sewing, without board	400 00	400 00
Salary of engineer, electrician and plumber..	900 00	900 00
Salary of night watchman and assistant engi- neer .....	600 00	600 00
Salary of floral gardener and farmer.....	300 00	300 00
Salary of head laundress.....	300 00	300 00
Salary of four assistant laundresses at \$180 each .....	720 00	720 00
Salary of baker.....	480 00	480 00
Salary of chief cook.....	480 00	480 00
Salary of two assistant cooks.....	600 00	600 00
Salaries of two chambermaids at \$180 each..	360 00	360 00
Supplies, provisions and miscellaneous.....	25,000 00	25,000 00
Water, electric light and power.....	1,200 00	1,200 00
Furniture and furnishing.....	1,000 00	1,000 00
Clothing and transportation for indigent pupils .....	2,000 00	2,000 00
Art material.....	100 00	100 00
Motor and machinery, carpenter shop.....	500 00	300 00
Salary Board of Trustees, including mileage.	360 00	360 00
For building and equipping industrial build- ing .....	6,853 50	
Repairs and new work on administration building .....	2,714 60	
Repairs and new work on west ward boys' dormitory building.....	3,130 80	
Repairs and new work on east ward girls' dor- mitory building.....	3,246 05	
Repairs and new work on building containing recitation room and studio.....	1,546 85	
Repairs and new work on building contain- ing kitchen, bakery, store rooms and rooms for employes.....	1,654 60	

	Years Ending—	
	Feb'y. 28, 1900.	Feb'y. 28, 1901.
Repairs and new work on building containing plumbing, for girls.....\$	1,136 50	
Repairs and new work on buildings containing plumbing, for boys.....	1,114 20	
Repairs and new work on building containing dining room.....	685 50	
Repairs on gallery piers, etc., used for sick...	435 80	
Repairs and new work on heating plant.....	4,102 30	
Repair on fences.....	350 00	
Erection of dormitory for girls.....	12,000 00	
Additional appropriations made to comport with provisions made for dormitory buildings.		
Supplies and provisions.....		\$ 8,000 00
Light and water.....		400 00
Clothing and transportation for indigents...		800 00
Bedsteads and furniture.....		1,050 00
Mattresses, blankets and bed clothing.....		1,500 00
Tables, table linen and cutlery.....		460 00
Three additional teachers.....		1,965 00
Salary of monitor.....		480 00
Two monitors at \$360 each.....		720 00
Cook .....		300 00
Provided, that the interest an all securities held by Deaf and Dumb and Blind Asylum funds are hereby appropriated, the remainder to be paid out of the general revenue.		

## HOUSE OF CORRECTION AND REFORMATORY.

Salary of Superintendent.....	1,800 00	1,800 00
Salary of farm supervisor.....	600 00	600 00
Salary of engineer.....	500 00	500 00
Salary of assistant engineer.....	400 00	400 00
Salary of steward or storekeeper and accountant .....	900 00	900 00
Salary of two teachers at \$480 each.....	960 00	960 00
Salary of four night guards at \$360 each....	1,440 00	1,440 00
Salary of ten day guards at \$300 each.....	3,000 00	3,000 00
Salary of baker and cook.....	360 00	360 00
Salary of physician.....	400 00	400 00
Salary of chaplain.....	300 00	300 00
Salary of three trustees.....	300 00	300 00
Maintenance .....	17,500 00	17,500 00
Fuel .....	1,000 00	1,000 00
Books and slates.....	200 00	200 00
Medicine .....	300 00	300 00
Postage and express.....	200 00	200 00
Discharge and transportation of inmates....	1,134 00	1,134 00
Literature and library for inmates.....	150 00	150 00

	Years Ending—	
	Feb'y. 28, 1900.	Feb'y. 28, 1901.
Farm implements.....	\$ 300 00	\$ 300 00
Contingent expenses, to include the building of bath pool, repairing and painting buildings; no part of this appropriation of \$1,500 shall be used for any purpose except repairs, painting and to buy cement for bath pool..	1,500 00	500 00
Druggist and hospital nurse.....	400 00	400 00
Farm teams, purchase of.....	500 00	500 00
Sorghum mill and evaporator.....	250 00	
Provided, that the products and labor of said reformatory are hereby appropriated in part payment of the above appropriation, the remainder to be paid out of the general revenue; provided further, that the superintendent of the reformatory is hereby required to rent sufficient land to keep all inmates employed.		
To rebuild barn destroyed by fire.....	2,000 00	
To purchase harness destroyed by fire.....	200 00	

## CONFEDERATE HOME.

Maintenance of inmates.....	40,000 00	45,000 00
Salary of Superintendent.....	1,500 00	1,500 00
Salary of quartermaster, storekeeper and accountant .....	540 00	540 00
Salary of surgeon.....	800 00	800 00
Salary of chief cook.....	480 00	480 00
Salary of assistant cook.....	240 00	240 00
Salary of four waiters, who shall do all work required of them at \$180 each.....	720 00	720 00
Salary of four hospital nurses at \$288 each..	1,152 00	1,152 00
Salary of helper (yard man).....	240 00	240 00
Salary of laundress.....	240 00	240 00
Salary of two assistants at \$180 each.....	360 00	360 00
Salary of night watchman.....	300 00	300 00
Salary of hospital cook.....	360 00	360 00
Salary of one assistant cook.....	240 00	240 00
Salary of matron.....	360 00	360 00
Salary of hospital matron.....	360 00	360 00
For medicine and hospital stores.....	600 00	600 00
Literature .....	150 00	150 00
For transportation of inmates.....	200 00	200 00
For additional living rooms, enlargement of hospital and dining rooms, and for furniture, to be used when needed.....	10,000 00	
For painting and repairing buildings and fences, to be expended in two years.....	1,200 00	
For laundry machinery and appliances.....	1,330 00	
For purchase of wagonette, harness and horses	350 00	

## QUARANTINE DEPARTMENT.

	Years Ending—	
	Feby. 28, 1900.	Feby. 28, 1901.
Salary of health officer.....	\$ 2,500 00	\$ 2,500 00
Traveling expenses incurred in discharge of his legitimate duties, a bill of which must be made out in detail and approved by the Governor .....	500 00	500 00
For maintaining quarantine department at all points in the State of Texas on the border and coast, including the payment of salaries of the several health officers of the State, repairs and stations, extra inspection the Louisiana border contingent upon yellow fever, all expenditures made by virtue of this appropriation shall be under the direction and approval of the Governor.....	34,500 00	34,500 00
To purchase one fumigating barge with copper bottom .....	15,000 00	

## DRAF, DUMB AND BLIND ASYLUM FOR COLORED.

Salary of Superintendent.....	1,500 00	1,500 00
Salary of principal teacher.....	675 00	675 00
Salaries of three class room teachers and one music teacher.....	1,800 00	1,800 00
Salary of shoemaker.....	450 00	450 00
Salary of seamstress.....	300 00	300 00
Salary of matron.....	360 00	360 00
Salary of oculist.....	600 00	600 00
Salary of night watchman.....	300 00	300 00
Salary of engineer and plumber.....	500 00	500 00
Salary of preceptress.....	270 00	270 00
Salary of cook.....	300 00	300 00
Salary of assistant cook.....	200 00	200 00
Salary of farmer and gardener.....	240 00	240 00
Salary of monitor.....	225 00	225 00
Furniture .....	200 00	200 00
Stationery and postage.....	50 00	50 00
Clothing for indigent pupils.....	450 00	450 00
Apparatus .....	125 00	125 00
Transportation for indigent pupils.....	400 00	400 00
Tools for shop.....	100 00	100 00
Repairs and general improvements.....	200 00	200 00
For groceries and miscellaneous, including pay of members of the board at \$5 per month for attending meetings of board, and mileage..	8,000 00	8,000 00
Mess hall, including boys' dormitory and general improvements, shoe shop and industrial department .....	9,000 00	
To establish an industrial plant and to purchase machinery and supplies to place in operation a broom and mattress factory....	1,000 00	

## SAM HOUSTON NORMAL INSTITUTE.

	Feby. 28, 1900.	Years Ending— Feby. 28, 1901.
For support and maintenance.....	\$ 37,500 00	\$ 37,500 00
For library, apparatus, repairs, improvements, etc .....	3,000 00	1,000 00

## STATE PENITENTIARIES.

For conveying convicts to the penitentiaries and reformatory .....	20,000 00	20,000 00
Traveling expenses of superintendent.....	500 00	500 00
Penitentiary library.....	250 00	250 00
All proceeds of convict labor and in addition thereto for making up deficiencies in monthly expenses, and to purchase mate- rial to carry on prison industries which shall be paid out of the treasury on the warrant of the Comptroller, whenever de- manded by the Financial Agent of the Penitentiaries, to be used if needed, for each year; provided, that this sum shall not be drawn out of the treasury except as needed, which also may be expended for the purpose of buying lands, improved or un- improved .....	40,000 00	40,000 00

## AGRICULTURAL AND MECHANICAL COLLEGE.

Maintenance and support, general revenue...	20,400 00	20,400 00
Student labor fund, general revenue.....	5,000 00	5,000 00
Support of experimental station at Beeville..	2,500 00	2,500 00
University fund.....	500 00	500 00
For the erection of agricultural and horticul- tural building and equipment.....	31,000 00	
For erection of dormitory and equipment....	28,000 00	
For erection of dwellings.....	6,500 00	
For well and equipment.....	2,500 00	
To provide a system of sewerage for the A. & M. College, to be expended in two years..	5,000 00	
For general repairs of present building and fencing and improving grounds.....	2,500 00	2,500 00
(In addition to the above the interest on \$209,000 of State bonds held by the Agri- cultural and Mechanical College fund is hereby further appropriated for the support of this institution; provided, that the board of directors of the Agricultural and Mechan- ical College of Texas shall include in their report the number and salaries of the fac- ulty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and the receipts and ex-		

Years Ending—  
 Feby. 23, 1900.      Feby. 23, 1901.

penditures, itemized, of each of these institutions, in the same manner as the law requires the Board of Regents to report the salaries and number of faculty and employes and the receipts and expenditures of the University of Texas); and provided further, that any unexpended balance of the appropriations here made for the erection of the agricultural and horticultural building, dormitory and dwellings for the first year shall be used for the second year.

#### LIVE STOCK SANITARY COMMISSION.

For expenses of live stock sanitary commission .....	\$ 5,000 00	\$ 5,000 00
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#### PRAIRIE VIEW STATE NORMAL SCHOOL.

To defray two-thirds of the expenses of 159 State students, the other one-third of said expenses to be borne and paid by the students, said students to be appointed by the members of the Legislature as follows: One by each Senator and one by each Representative; provided, the students appointed hereunder shall supercede and be in place of the forty-six State students provided for in Article 3886, of the Revised Statutes of Texas .....	15,000 00	15,000 00
For maintenance of agricultural and mechanical department.....	2,500 00	2,500 00
For maintenance of girl's industrial department .....	350 00	350 00
General repairs and painting houses.....	500 00	500 00
For the erection of two cottages.....	1,800 00	
For removing and repairing old Kirby house.	2,500 00	
For erection of boy's dormitory.....	10,000 00	
To purchase one bake oven.....	250 00	
Books, stationery and printing and postage..	250 00	250 00
To purchase laundry machinery and outfit and for repairing laundry building and fitting the same to accommodate the machinery, to be expended in two years.....	1,500 00	
To purchase organ for chapel, song books and Bibles .....	300 00	
To purchase one shoe sewing machine and to fit up a room for repairing and making shoes .....	200 00	
Broom factory.....	175 00	

## ADJUTANT-GENERAL'S OFFICE.

	Years Ending— Feby. 28, 1900.	Feby. 28, 1901.
Salary of Adjutant-General.....	\$ 2,000 00	\$ 2,000 00
Salary of chief clerk.....	1,000 00	1,000 00
Salary of porter.....	360 00	360 00
Stationery, postage and telegraphing.....	400 00	400 00
Incidental expenses .....	50 00	50 00
Handling and transportation of ordnance and quartermaster's stores, labor in arsenal, and repairs to arms and inspection of arms and troops .....	500 00	500 00
Protection of the frontier and suppression of lawlessness and crime.....	30,000 00	30,000 00
Payment of Volunteer Guard, when called in active service under the law, transportation of troops, and all other military expenses.	5,000 00	5,000 00
File cases and preservation of records.....	50 00	
All bills to be approved by the Adjutant-Gen- eral and the Governor.		

## PUBLIC PRINTING.

For first, second and third classes of printing and binding, and for printing papers for first and second classes of public printing..	20,000 00	20,000 00
For publishing Supreme Court Reports, three volumes .....	4,000 00	2,000 00
For publishing Court of Criminal Appeals Reports, three volumes.....	4,000 00	2,000 00
For publishing Court of Civil Appeals Reports, six volumes.....	6,000 00	6,000 00
For salary of Expert Printer and other duties.	1,500 00	1,500 00

## PUBLIC BUILDINGS AND GROUNDS.

Salary of Superintendent.....	1,500 00	1,500 00
Salary of bookkeeper and extra watchman..	550 00	550 00
Salary of engineer.....	1,200 00	1,200 00
Salary of assistant engineer, who shall per- form all work required of him by the super- intendent .....	720 00	720 00
Salary of four watchmen at \$660.00 each....	2,640 00	2,640 00
Salaries of two firemen at \$600.00 each.....	1,200 00	1,200 00
For traveling and other expenses of superin- tendent .....	300 00	300 00
Salary of six cleaners at \$360.00 each.....	2,160 00	2,160 00
Salary of elevator man.....	720 00	720 00
Labor in capitol grounds and keeping sewer in repair.....	1,000 00	1,000 00
Keeping cemetery grounds.....	300 00	300 00
Headstones for Confederate veterans buried in State cemetery.....	300 00	300 00



	Years Ending—	
	Feb'y. 28, 1900.	Feb'y. 28, 1901.
Headstones for Texas veterans buried in State cemetery .....	\$ 100 00	\$ 100 00
Water, fuel, lights, pipes, plate glass and piping and water for State cemetery and other contingencies.....	9,000 00	9,000 00
Salary of carpenter.....	720 00	720 00
Oil and waste for engines, dynamos and steam pumps, oil for wainscoting, drawing paper for plans, and stationery.....	400 00	400 00
Repairs and painting wood work, capitol building, to be expended in two years.....	5,000 00	
Tools .....	100 00	100 00
To pay for weather stripping.....	250 00	
Pipes and fittings.....	500 00	
To purchase new boiler and placing in position in power house at the capitol.....	800 00	
Purchase of mules, wagon and harness.....	300 00	
To feed for team.....	125 00	125 00
Salary of driver.....	300 00	300 00
To build shed.....	100 00	
All bills to be approved by the superintendent and the Governor.		

SEC. 2. It shall be unlawful for any superintendent or any head of the foregoing departments of the State government or public institutions herein provided for to draw out of the State treasury all or any part of the money for the maintenance of his respective department or institution and deposit the same in a local bank to his own private account; but said amounts hereinbefore appropriated shall remain in the State treasury, and may be drawn or checked out by such heads of departments or superintendents of institutions monthly to pay salaries of employes, or whenever it may be needed to pay for supplies, repairs, improvements or any other thing permitted to be bought or had for the maintenance of such institution. It shall also be unlawful for such superintendent, manager or head of any such institutions or departments to appropriate to his own use, or to the use and benefit of him or his family, any of the supplies or material purchased or furnished such institutions or departments under the provisions of this act, or to permit the same to be so used by any of the employes of such institutions or departments, except the salaries and other sums and materials herein expressly granted; provided, that in cases where it is necessary that a teacher or attendant shall be required in any such institution to remain with the inmates of the same, such management may provide for the board and lodging of such teacher or attendant in such institutions, together with such other employes whose wages are fixed in such manner as makes their board in such institution a part of their compensation. It is made the duty of all such superintendents, managers or heads of such institutions or departments to make report in writing to the Comptroller of this State at least once every three months, and that on the first day of the month, showing the detailed expenditures incurred for the boarding provided for such officers and employes who board and lodge in their respective institutions that may

have been drawn and used by the same for the three months next preceding the date of such report. And should it appear from any such reports or from any report of the State Revenue Agent, or come to the knowledge of such Comptroller from any other reliable source that any of the provisions of this section have not been complied with, or that the fund of the State or supplies or materials belonging to such institution or department have been misapplied by such superintendent, manager or head of department, or used or permitted to be used as herein prohibited, the Comptroller shall refuse payment of the salary of such superintendent, manager or head of department until he shall compensate the State of Texas for the money, supplies or materials that he may have misappropriated, used or knowingly permitted to have been misappropriated or used.

SEC. 3. All buildings for the erection and equipment of which appropriations have been made under this act, and all improvements of and repairing of any public building shall be erected and made under the direction, management and supervision of honest and competent architects, who shall be appointed by the Governor, and whose salary shall be deducted from the respective appropriations made for such purposes; and it shall be unlawful for the Comptroller of Public Accounts to issue any warrants on the treasury, and for the Treasurer to pay any such warrants for the erection of any of the public buildings herein provided for, or for any such improvements of or repairing to any public building, except upon an itemized statement of such expenditures, approved by the Governor; which itemized statement shall be filed and kept by the Comptroller for public inspection; and provided further, that a duplicate certified copy of the plans, specifications and estimates used in the erection or improvement of any of said buildings shall be filed with and kept by the Secretary of State in his office for public inspection.

SEC. 4. Provided, however, that with the exception of the appropriation made for the account of the State penitentiaries and Assistant Attorney-General, that the Comptroller of Public Accounts is hereby instructed to draw no warrant against any appropriation made for the various State institutions and departments of this State unless an itemized statement, under oath, be filed as a voucher in office of said Comptroller.

SEC. 5. It is hereby required of each and every institution of this State to keep an itemized account and record of all monies received from sales of all property, products, animals and leases of property; and the managers, presidents and superintendents of all such institutions shall cause to be made semi-annually to the Comptroller of Public Accounts an itemized sworn statement, showing all such sales and monies received therefrom and from such leases; provided, that the Superintendent of Penitentiaries and the Regents of the University shall not be required to do more than is at present provided for by law, and they are exempt from the operation of this section.

SEC. 6. The fact of the near approach of the close of this session of the Legislature, and the fact that this bill provides for the erection and repair of many public buildings that are urgently needed, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the

same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 27, 1899.

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## RAILROAD COMMISSION—AUTHORIZED TO CHARGE FEES.

S. B. No. 198.]

### CHAPTER CLVII.

An Act to authorize the Railroad Commission of Texas to charge fees for all copies of papers in its office, except such as may be furnished to some department of the State government, and to prescribe the amount of such fees.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Railroad Commission of Texas shall be and it is hereby authorized to charge fees for copies of all papers furnished by it, except such as may be furnished to some department of the State government, as follows: For copies of any paper, document or record in its office, including certificate and seal to be applied by the secretary, for each one hundred words, fifteen cents; provided, that this act shall not be so construed as to authorize the charging of such fees for railroad companies or other persons for tariff sheets for their own use, which such tariff sheets are in force.

SEC. 2. That the fees so charged and collected shall be accounted for by the secretary of the Railroad Commission and paid into the treasury as provided for in Article 2444 of the Revised Statutes of Texas.

SEC. 3. The fact that there is now no law to authorize the Commission to charge for copies of papers in their office, and the fact that this session of the Legislature is nearing a close, and the further fact that the large number of bills on the calendar render it improbable that this bill can be reached in its regular order, create an imperative public necessity for the suspension of the constitutional provision requiring bills to be read on three several days in each house, and said rule is hereby suspended.

Approved May 29, 1899.

Takes effect 90 days after adjournment.

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## TWENTY-EIGHTH JUDICIAL DISTRICT—TIME OF HOLDING COURT.

H. B. No. 822.]

### CHAPTER CLVIII.

An Act to prescribe the time of holding the terms of the District Court in the Twenty-eighth Judicial District of the State of Texas, and to limit one term of the District Court of Nueces county to the transaction of civil business only; and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the terms of the district court of the Twenty-eighth Judicial District shall hereafter be held as follows:

In Nueces county, on the first Monday in January, May and September of each year, and continue in session five weeks; provided, that the May term thereof shall be devoted to the transaction of civil business only.

In Cameron county, on the fifth Monday after the first Monday in January and September of each year, and continue in session five weeks.

In Hidalgo county, on the tenth Monday after the first Monday in January and September in each year, and continue in session three weeks.

In Starr county, on the thirteenth Monday after the first Monday in January and September in each year, and continue in session three weeks.

SEC. 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. The fact that the business on the dockets of Cameron and Hidalgo counties, the crowded condition of the calendar and the near approach of the end of the session, create an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and that this act be in force and effect from and after the thirty-first day of August, A. D. 1899.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by vote, yeas 21, nays 0.]

Approved May 29, 1899.

Takes effect August 31, 1899.

## TEXAS VOLUNTEERS—APPROPRIATION FOR EXPENSES OF MUSTERING.

S. B. No. 282.]

### CHAPTER CLIX.

An Act to appropriate one hundred thousand (100,000) dollars to pay the officers and men of the Texas Volunteers prior to the inmustering into the service of the United States, in the late war with Spain; to pay those who were rejected; to pay for the necessary supplies, subsistence and transportation prior to their being mustered into service; to authorize the Governor to collect from the United States all monies expended under this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the sum of one hundred thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any monies in the State treasury, not otherwise appropriated, to pay the absolutely necessary expenses for the subsistence, supplies and equipments, transportation, sheltering and general maintenance of the Texas volunteers during the interval between their enrollment and their muster into the service of the United States during the recent war with Spain; to pay the officers and men of the said Texas volunteers as appeared and remained at the place of muster, which were afterwards received into the service of the United States from the period between the date of assembly and rendezvous and date they were mustered into the United States service. The pay for officers shall be the same as allowed officers in the regular army holding the same rank, and for the men, one dollar per day for such officers and men as appeared and remained at the place of muster and were afterwards received into the service of the United States, from the period between the date of assembly at the rendezvous and the date they were mustered into service of the United States, to pay all

officers and men who appeared at the rendezvous for muster and were rejected by the medical examiner or mustering officer, at the rates as fixed as aforesaid, from the date of assembly to the date of their rejection; provided, that officers and men who have been paid in full by the United States shall not be entitled to any pay whatever under this act.

SEC. 2. The Governor and Adjutant-General shall constitute a board to audit these accounts, which, when properly audited shall be paid by the Treasurer upon warrant drawn upon him by the Comptroller; provided, the Governor and Adjutant-General shall reject any and all claims which in their judgment may not be repaid to the State by the Treasurer of the United States, under an act of Congress, approved March 3, 1899. All claims under this act must be presented before May 1, 1900, or be forever barred; provided, that the Governor and the Adjutant-General shall not allow and audit any claims until they have ascertained from the proper authorities at Washington City that such claims will be paid by the National government; and provided further, that the Governor and Adjutant-General shall cease to allow and audit claims when the aggregate amount thereof shall equal the amount of money appropriated therefor by this act.

SEC. 3. The Governor of Texas is hereby authorized to receive from the Treasurer of the United States all monies coming to the State under act of Congress, approved March 3, entitled "An act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise, organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, and for other purposes.

SEC. 4. The near approach of the close of the session and the fact that officers and men and the various parties who have supplied the officers and men of the Texas volunteers should be paid, creates an emergency and an imperative public necessity requiring the constitutional rule which requires bills to be read on three several days, shall be suspended, and that this bill take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0; and was reported to the House where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved June 1, 1899.

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## TAXES—ASSESSMENT—AMENDMENT.

H. B. No. 848.]

CHAPTER CLX.

An Act to amend Article 5066, Title 104, Chapter 2. Revised Civil Statutes, relating to the rendition, listing and assessment of property for taxation.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 5066, of the Revised Statutes of the State of Texas, be so amended that the same shall hereafter read as follows:

Article 5066. All property shall be listed for taxation between January 1, and June 1, of each year, when required by the assessor, with

reference to the quantity held or owned on the first day of January in the year for which the property is required to be listed or rendered. Any property purchased or acquired on the first day of January shall be listed by or for the person purchasing or acquiring it. If any property has by reason of any special law, contract or fact been exempt, or have been claimed to be exempted from taxation for any period or limit of time, and such period of exemption shall expire between January 1, and December 31, of any year, said property shall be assessed and listed for taxes as other property, but the taxes assessed against said property shall be only for the pro rata of taxes for the portion of such year remaining after the expiration of such claimed period of exemption and shall be so listed on the tax rolls, and taxes shall be collected on such property accordingly.

SEC. 2. The fact that there is no law now providing for the assessment of property that may have been exempt from taxation and said exemption expires during the current year, and the near approach of the close of the present session of the Legislature and the crowded condition of the calendar, create an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and the same is so suspended.

Approved June 2, 1899.

Takes effect 90 days after adjournment.

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## STATE MILITIA—ORGANIZATION—AMENDMENT.

S. B. No. 832.]

### CHAPTER CLXI.

An Act to amend Article 3433, of the Revised Statutes of the State of Texas of 1895, relating to the organization of militia.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3433, of the Revised Statutes of 1895, be amended so as to hereafter read as follows:

Article 3433. Each regiment shall consist of not more than twelve companies, organized into battalions of not more than four companies each, with a regimental band, and shall have one colonel, one lieutenant-colonel and three majors, all of whom shall be appointed and commissioned by the Governor upon recommendation of the line officers of the regiment. Each colonel shall appoint for his regiment an adjutant and a quartermaster, each with the rank of captain; a commissary-sergeant with the rank of first lieutenant; a chaplain with the rank of captain and two assistant surgeons, one with the rank of captain, and one with the rank of first lieutenant. He shall also appoint a sergeant-major, a quartermaster-sergeant, a commissary-sergeant, a hospital steward and drum major. He shall appoint for each battalion, upon recommendation of the battalion commander, a battalion adjutant with the rank of first lieutenant, and a sergeant-major. The battalion sergeant-major shall have rank superior to that of first sergeant, and the regimental non-commissioned staff shall have rank superior to that of the battalion sergeant-major.

SEC. 2. The fact that this session of the Legislature is nearing a close and that the present laws governing the organization of the militia

is not satisfactory, creates an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved June 5, 1899.

Takes effect 90 days after adjournment.

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## IRRIGATION—AMENDMENT TO PENAL CODE.

S. B. No. 297.]

CHAPTER CLXII.

**An Act to amend Article 496, of Chapter 2, Title 13, of the Penal Code of the State of Texas, relating to irrigating canals, wells, reservoirs, etc., and the protection thereof.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 496, Chapter 2, Title 13, of the Penal Code of the Revised Statutes of the State of Texas, be so amended as to read as follows:

Article 496. Any person who shall wilfully or through gross negligence injure any irrigating canal or its appurtenances, wells or reservoirs, or who shall waste the water thereof, or shall take the water therefrom without authority, shall be deemed guilty of a misdemeanor, and for each offense shall be liable to a fine not exceeding two hundred dollars.

SEC. 2. The near approach of the close of the present session of the Legislature and the crowded condition of the calendar, create an emergency and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby accordingly suspended, and that this act be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, vote not given; and passed the House of Representatives, vote not given.]

Approved June 5, 1899.

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## PUBLIC RECORDS—INJURING—PENALTY.

H. B. No. 826.]

CHAPTER CLXIII.

**An Act to make it a penal offense for any person to alter, change, destroy or mutilate any public record or documents authorized, required or permitted by law to be kept by any officer within this State, and to fix the punishment therefor.**

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That if any person, without authority of law, shall wilfully and maliciously change, alter, mutilate, destroy, deface or injure any book, paper, record or any other document, required or permitted by law to be kept by any officer within this State, he shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine not exceeding five

thousand dollars, or by imprisonment in the penitentiary not less than one nor more than five years.

SEC. 2. That this act is cumulative of all other laws relating to this subject.

Approved June 5, 1899.

Takes effect 90 days after adjournment.

## BONDS—APPROPRIATION FOR REDEMPTION.

H. B. No. 443.]

### CHAPTER CLXIV.

An Act to provide for the payment of the bonds of the State of Texas that mature April 21, 1899, and to appropriate twenty-six hundred and thirty dollars for that purpose, and to provide a sinking fund for the payment of the bonds of the State of Texas held by private individuals that mature March 4, 1904, and April 21, 1909, and provide for the appropriation of twenty-five thousand dollars August 31, 1899, and twenty-five thousand dollars August 21, 1900, and provide for the investment of a sinking fund, and constitute a board for that purpose.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of twenty-six hundred and thirty dollars be and the same is hereby appropriated out of any moneys, not otherwise appropriated, to pay seventeen hundred and ninety dollars of the four per cent. bonds of the State of Texas held by private individuals, and eight hundred and forty dollars of the four per cent. bonds of the State of Texas held by the permanent University fund, issued under the act of April 21, 1879, and maturing April 21, 1899.

SEC. 2. That the sum of twenty-five thousand dollars be and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, on the thirty-first of August, 1899, and that the sum of twenty-five thousand dollars be and the same is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, on the thirty-first day of August, 1900, and the same is hereby set apart and the same, together with other money hereafter to be appropriated for the same purpose, shall be and constitute a sinking fund for the payment of seventy-three thousand dollars of the seven per cent. bonds of the State of Texas, which are held by private individuals, and which mature March 4, 1904, and six hundred and sixty-three thousand two hundred dollars (\$663,200.00) of the five per cent. bonds of the State of Texas, which are held by private individuals, and which mature April 21, 1909.

SEC. 3. The Governor, the Comptroller and the State Treasurer are hereby constituted a board to invest such sinking fund, and they are hereby authorized, and it is made their duty to invest said sinking fund in such safe and staple bonds of the United States and counties of the State of Texas as are of a character to be readily converted into money.

SEC. 4. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 5. The near approach of the close of this session of the Legislature and the obligations of the State being past due, creates an imperative public necessity and an emergency exists for the suspension of the



rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, vote not given; and passed the Senate, vote not given.]

Approved June 5, 1899.

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### LIVE STOCK—PROTECTION OF—AMENDMENT.

H. B. No. 159.]

#### CHAPTER CLXV.

An Act to amend Article 4934, Title 102, Chapter 2, of the Revised Civil Statutes of the State of Texas, relating to the protection of live stock.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 4934, Title 102, Chapter 2, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows, to-wit:

Article 4934. After said animal or animals are killed, as provided in Article 4933, the party owning such animal or animals so killed may present his claim to the commissioners' court of the county where said animal or animals were killed, for the value of such animal or animals at the time the same were killed (if such animal or animals had any value), and the amount of such claim, or so much thereof as may be allowed by said court, shall be paid out of the general revenue of the county, as other claims against such county. The sheriff or constable killing, burying or burning said animal or animals shall be paid by the county such sum as the commissioners' court thereof may determine the service worth.

SEC. 2. Whereas, there is no law providing for payment of animals killed under the provisions of this article, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved June 5, 1899.

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### STATE ORPHAN HOME—AMENDMENT.

H. B. No. 713.]

#### CHAPTER CLXVI.

An Act to amend Article 166 and Article 170, Chapter 2, Title 9, of the Revised Civil Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 166 and 170, Chapter 2, Title 9, of the Revised Civil Statutes of the State of Texas, shall be so amended as hereafter to read as follows:

Article 166. This institution shall be known as the State Orphan Home or Asylum; and the board of trustees shall appoint a superintendent-

ent for said home or asylum, upon the nomination of the Governor, whose duties of office shall be the supervision of the affairs of said home or asylum, under the direction of the board of trustees. And they shall also elect an industrial manager for said home or asylum, whose duties and salary shall be prescribed by the board of trustees, subject to legislative appropriation, not to exceed fifteen hundred dollars.

Article 170. The superintendent of said home or asylum shall receive such salary each year as may be provided by the board of trustees, subject to legislative appropriation, not to exceed one thousand dollars.

SEC. 2. The near approach of the end of this session creates an imperative public necessity and emergency that the constitutional rule which requires bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved June 5, 1899.

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## MANUFACTURERS OF CERTAIN PRODUCTS REQUIRED TO MARK PACKAGES.

H. B. No. 811.]

### CHAPTER CLXVII.

An Act to require all manufacturers or dealers in manufactured wheat and corn products in original packages, and all manufacturers of flour and meal and feed from the above enumerated products when offering the same for sale, to mark contents and net weight on each package; and to prohibit the adulteration of such food product; and prescribing a penalty for the violation of the provisions of this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any person, firm, corporation or agent, employe or representative of any person, firm, corporation, manufacturer or dealer in said manufactured wheat or corn products in original packages, and offering the same for sale in this State, whether said packages are sold singly or in lots, and all manufacturers or dealers of flour, meal or feed from the above enumerated grain products in this State, when offering the same for sale in original packages, whether sold in single packages or lots, shall place in large, legible letters and figures, not less than two inches in size, on the package or packages so offered for sale, the name of the contents and the actual net weight of the contents of said package or packages; and it shall be unlawful for any such person to sell, or offer to sell, any of the articles mentioned in this act which have been falsely labeled, knowing the same to be falsely labeled. All adulterated wheat or corn products shall have stamped upon the sacks or barrels, "Adulterated."

SEC. 2. Any person violating any of the provisions of this act shall, on conviction, be fined in any sum not less than twenty-five dollars, and not exceeding one thousand dollars.

SEC. 3. The fact that the session of the Twenty-sixth Legislature is now drawing to a close, and in view of the crowded condition of the calendars of both the Senate and the House, creates an emergency and

an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved June 5, 1899.

## CALHOUN AND VICTORIA COUNTIES—ROAD LAW.

H. B. No. 790.]

### CHAPTER CLXVIII.

An Act to render more effective and efficient the present road law of the State of Texas in its application and operation in the counties of Calhoun and Victoria, and to authorize and empower the said counties to issue bonds for the construction and maintainance of public roads and highways within the said counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners' courts of Calhoun and Victoria counties, respectively, shall be, and is hereby created road commissioner of the respective commissioners' precincts of the said counties.

SEC. 2. That said commissioners' courts of said counties of Calhoun and Victoria shall have full power and authority, and it shall be their duty to adopt such system for working, laying out, draining and repairing the public roads in said counties as they may deem best, and from time to time such courts may change their plans or system of working.

SEC. 3. That each county commissioner, when acting as road commissioner, and performing the duties imposed upon him by law or by the commissioners' court, shall be entitled to two dollars per day for the services actually performed; provided, that said sum to be paid him shall not exceed the sum of ninety dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners' court.

SEC. 4. The commissioners' courts of the counties herein named are authorized and empowered to issue bonds of their said counties, in addition to the bonds heretofore authorized by law to be issued, as follows: For the purpose of constructing and maintaining public roads and highways within said counties; provided, that at no time the bonds so issued shall exceed the limit of the county indebtedness fixed by the Constitution.

SEC. 5. The commissioners' courts in the counties herein named shall have authority to levy a tax, to the limit allowed by the Constitution, for the purpose of creating a sinking fund and providing for the payment of the interest on the bonds issued for maintaining the public roads within said counties.

SEC. 6. The provisions of this act shall not be construed as in any way abridging or limiting the authority of the commissioners' court in the matter of public roads as now provided by law, but the same is intended and shall be cumulative and in addition to and in aid of the present law, to render the same more efficient in its operation.

SEC. 7. From the fact that in the counties herein named there is an urgent need for the construction and maintenance of good roads, and of the issuance of bonds for that purpose within the said counties, creates an emergency and imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is so suspended, and that this act take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, and reported to Senate; Senate passed same with amendments. House concurred in Senate amendments—no vote given in any instance.]

Approved June 5, 1899.

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INCORPORATED TOWNS—LIMITS SUBJECT TO DESIGNATION BY COMMISSIONERS' COURT—BOARD OF HEALTH.

S. B. No. 335.]

CHAPTER CLXIX.

An Act to amend Article 1544, of Chapter 2, Title 32, of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 1544, Chapter 2, Title 32, of the Revised Civil Statutes of Texas, be so amended as to hereafter read as follows:

Article 1544. The commissioners' court of any county in which an incorporated town or village may be situated, shall have power to designate the lines of such town or village, and may appoint a board of health for such town, consisting of three persons, not less than two of whom shall be regular practicing physicians; said court, when such appointments are made, shall immediately notify the State Health Officer, and said Board shall be under the direction of the State Health Officer.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. The near approach of the close of the present session of the Legislature, the crowded condition of the calendar, and the importance of this legislation, create an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days; and that this act take effect and be in force from and after its passage; and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 87, nays 1.]

Approved June 5, 1899.

Takes effect June 5, 1899.

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## MARRIAGE LICENSE—PENALTY FOR PERFORMING CEREMONY WITHOUT.

H. B. No. 820.]

CHAPTER CLXX.

An Act to prevent and punish celebration of marriages without license.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* Should any person authorized by law to celebrate the rites of matrimony in this State perform the marriage ceremony without a license first having been issued as required by law, such person shall be guilty of a misdemeanor, and on conviction, shall be punished by fine of not less than fifty nor more than five hundred dollars.

Approved June 5, 1899.

Takes effect 90 days after adjournment.

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## STATE'S PERSONAL PROPERTY—SWORN STATEMENT REQUIRED.

S. B. No. 278.]

CHAPTER CLXXI.

An Act for the better preservation of all the personal property belonging to the State of Texas, or in which it has an interest, or of any of the departments, or of any of the institutions, asylums, penitentiaries, farms or personal property of whatsoever description or wherever situated, belonging to this State, or in which it has an interest; and to provide for the making of lists and inventories of all said property and the copying of the same, and the registration thereof; and to prescribe the duties of officers and persons having said property under their control, and to fix the liability of such officers and persons; and to provide a penalty for the failure to comply with this act; and to fix the venue for suits and prosecutions for a violation of any of its provisions.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That on and after the taking effect of this act, it shall be the duty of every official or other person, who has in his possession or under his control, or for which he is in anywise responsible, any personal property belonging to the State of Texas, or in which it has an interest, to immediately make out in triplicate a correct and full list and inventory of all such personal property which is or was in his possession when he assumed charge of such office or position, or had under his control, or for which he is in any way responsible, and which inventory shall contain the name of the article or articles of such personal property, the cost thereof, a fair and reasonable estimate of the present value thereof, a statement of the present condition of the same, how long said property has been in use, and the extent of the probable service, use and benefit that such property will be to the State in future; and if sold during his term of office, or while in his possession, or under his control, he shall state the selling price thereof, and the disposition of the proceeds.

SEC. 2. A copy of said list and inventory duly sworn to, shall be by such person charged with keeping said property, or who has the same under his control, management, or who is responsible for the same, transmitted by him by registered letter to the Secretary of State at Austin, Texas, whose duty it shall be to enter such list and inventory on a

book to be kept by him for the purpose under its appropriate heading, and said Secretary of State is hereby authorized to purchase such book or books as shall be necessary to record all such lists and inventories so made to him, and he shall be responsible for the correct entry of all said articles in such book or books, and shall be responsible for the safe keeping of the original sworn report from each of the persons named in this act, including the Governor of this State, Comptroller of Public Accounts, Treasurer, Attorney-General, Adjutant-General, Commissioner of Insurance, Statistics and History, Superintendent of Public Buildings and Grounds, the Commissioner of the General Land Office, Chief Justice of the Supreme Court, Court of Criminal Appeals, and the several Courts of Civil Appeals, and the clerks thereof, the managers of each and every asylum in the State of Texas, superintendents and assistant superintendents of the penitentiaries and reformatories, superintendents and managers of all State farms, superintendents and managers of the University, and the several branches thereof, Normal Schools, all the officers and employes of either branch of the Legislature having personal property belonging to the State in their possession, and each and every other person holding any personal property in trust for the State of Texas, or having the same under his control, or in his possession, or for which he is in any wise responsible, all of whom are included in this act and subject to its provisions. A duplicate of said list and inventory, so sent to the Secretary of State, shall be forwarded to the Comptroller of Public Accounts, who shall carefully preserve the same in his office, and it is made the duty of the person so making out the list to retain in his possession for his successor in office a true copy thereof, and whose duty it shall be to deliver same to such successor within three days after his qualification and assuming charge of such position, office or agency.

SEC. 3. Upon qualification at the beginning of the terms of office of any of the persons named herein after the next general election and after each succeeding general election, and within thirty days after taking charge of any personal property as herein named, it shall likewise be his duty to make said report as herein required of the officers now holding any of said positions, and to forward same to the officers herein named, who shall receive them and who shall continue to keep the registration of said reports, lists and inventories, as herein required of the Secretary of State under the foregoing section hereof, and who shall, when said lists are received, make comparisons with former reports and note all articles of property not included in former lists or which were included in former lists, but are not in the list last filed, and shall designate all such articles which are either dropped from or added to those of former lists and inventories.

SEC. 4. Every person herein named or referred to, in charge of any public institution of Texas, or having under his control any personal property belonging to the State of Texas, is hereby made responsible for the same and the full value thereof; and all persons hereafter coming into any of the offices or positions herein enumerated shall at once become and shall remain responsible for the preservation and safe keeping of all personal property herein named or referred to, whether such persons be under official bonds or not, and all official bonds made by any of the persons herein named or referred to, shall be intended as security to the State of Texas for the full value of all such personal property in any

such institution or department, or otherwise belonging to the State over which such person is in control, or for which he is by this act made responsible.

SEC. 5. Hereafter, when any of the officers named in this act, or who are hereby referred to and required to take charge of any of the properties of the State, shall take charge of same, they shall require of their predecessors in such positions, whose duty it is hereby made to furnish same, to make out for them a full list and inventory as above mentioned, of all properties in their possession or under their control and management, or for which they are in any wise responsible, belonging to the State of Texas, and such outgoing and incoming officers shall together check up said list and inventory and ascertain that the same and each article in said list named is then on hand or duly accounted for, said incoming officer shall give his receipt to his said predecessor in office for all of such property before he shall be entitled to possession of the same, and said receipt shall be by him delivered to said Secretary of State for registration in his office, and a copy of the same shall be likewise delivered to the Comptroller of Public Accounts for preservation in his office.

SEC. 6. Should any of the officers, persons, or employes named in this act fail to make out said list and inventory, or fail to perform any of the duties herein required of him, he shall become immediately responsible to the State of Texas for the value of any and all articles of furniture, implements, goods, wares, merchandise, live stock and all other personal property which have come into his hands or for which he may be responsible, and be subject to suit in the name of the State of Texas for the value of the same, and should he fail to do or perform any of the acts and things required of him by this act, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in a sum not less than one hundred nor more than five hundred dollars; and for each thirty days that he fails to comply with the provisions of this act in any respect shall be considered a separate offense. The jurisdiction for all suits or prosecutions under this act shall be either in the county court of Travis, or in the county where such officer shall reside at the time of the institution of said suit or prosecution, or where such property may be situated.

SEC. 7. This act is not intended to repeal any law now in force for the preservation and protection of any State property, but is cumulative thereof, and all said laws are hereby kept in full force and effect where the same do not specifically conflict with this act.

SEC. 8. The fact that there is now no adequate law upon the statute books sufficiently protecting personal property of the State and providing against loss of same, creates an emergency and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is so suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 23, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 94, nays 0.]

Approved June 5, 1899.

Became effective June 5, 1899.

## TRUSTS AND CONSPIRACIES—PENALTY—AMENDMENT.

H. B. No. 845.]

## CHAPTER CLXXII.

An Act to amend Article 5318, Title 108, of the Revised Civil Statutes of the State of Texas, prescribing penalties against trusts and conspiracies against trade.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 5318, Title 108, of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 5318. Each and every firm, person, corporation or association of persons, who shall in any manner violate any of the provisions of this chapter shall forfeit not less than two hundred dollars nor more than five thousand dollars for every such offense, and each day each firm, person, corporation or association of persons shall continue to do so shall be a separate offense; the penalty in such case may be recovered in the name of the State of Texas in any county where the offense is committed, or where either of the offenders reside, or in Travis county, and it shall be the duty of the Attorney-General or the district or county attorney to prosecute for and recover the same.

SEC. 2. This act shall take effect and be in force from and after January 31, 1900, and the same shall not be so construed as to affect any suits pending at the time it takes effect.

SEC. 3. The near approach of the close of the Legislature, and the crowded condition of the calendar, and the importance of making the penalties of existing trust laws correspond, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Approved June 5, 1899.

Takes effect January 31, 1900.

## PUBLIC LANDS—ISSUING PATENTS.

S. B. No. 344.]

## CHAPTER CLXXIII.

An Act to authorize the issuance of patents to lands which, under the ruling of the Land Office and the decisions of the courts, belong to the public school fund of the State, and which may have been applied for and purchased as public domain under the provisions of Title 87, Chapter 11, of the Revised Civil Statutes of the State of Texas of 1895, prior to May 23, 1898; and to provide for the disposition of the proceeds, and to declare an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Commissioner of the General Land Office and the Governor of the State be, and they are hereby authorized and required to issue patents to purchasers of land, which, under the ruling of the Land Office and the decisions of the courts, belong to the public school fund of the State, and which may have been applied for and purchased as public domain under the provisions of Title 87, Chapter 11, of the Revised Civil Statutes of the State of Texas of 1895, prior to May 23, 1898, in all cases where the purchase money has been paid or tendered



by the purchaser; provided, that where the purchase money has only been tendered, said purchase money shall be paid in full before the issuance of said patent.

SEC. 2. That the proceeds of any sales mentioned in Section 1, of this act be, and they are hereby declared to belong to the permanent school fund of the State, and the Treasurer is hereby authorized and directed to transfer the amount of all such proceeds from the fund to which they may have heretofore been credited into the permanent school fund of the State.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this act be, and they are hereby repealed.

SEC. 4. The near approach of the close of the present session of the Legislature, the crowded condition of the calendar, and the importance of this legislation, create an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby accordingly so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 20, nays 1; and was referred to the House of Representatives, where it was amended and passed by a two-thirds vote, yeas 91, nays 5; Senate concurred in House amendments, no vote given.]

Approved June 5, 1899.

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## RAILROAD COMMISSION—POWER TO MAKE EMERGENCY RATES—AMENDMENT.

H. B. No. 703.]

CHAPTER CLXXIV.

An Act to amend Section 1, of an Act of the Twenty-fifth Legislature of the State of Texas, approved April 5, 1897, to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interests of the people and railroads of this State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 1 of said act, approved April 5, 1897, be amended so as to hereafter read as follows:

Section 1. That in addition to the powers conferred on the Railroad Commission of Texas by Articles 4563 and 4567, of the Revised Statutes of this State, said Commission shall have the power, when deemed by it necessary, to prevent interstate rate wars and injury to the business or interests of the people or railroads of the State, or in case of any other emergency, to be judged of by the Commission, it shall be its duty to temporarily alter, amend or suspend any existing freight rates, tariffs, schedules, orders and circulars on any railroad or part of railroad in this State, and to fix freight rates where none exist.

SEC. 2. Whereas, interstate cut rates from other States to Texas common points are frequently made and put in force on three days notice to the Interstate Commerce Commission, to remain in force often for only

ten days at a time, suspending the regular rates for that time; and whereas, these temporary cut rates are intended to and actually do benefit only a favored few, who are notified in advance; and whereas, such cut rates tend to demoralize traffic, and create rate wars, to the great detriment of Texas railway companies and the public generally; and whereas, under the law as it now exists, emergency rates to meet such cuts and prevent such rate wars can not be put in force until after three days notice to the roads interested, an imperative public necessity and emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days, and this bill shall therefore take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved June 5, 1899.

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## FISH AND OYSTER COMMISSIONER—AMENDMENT PRESCRIBING HIS DUTIES.

S. B. No. 348.]

### CHAPTER CLXXV.

An Act to amend Articles 2509, 2510, 2514, 2516, 2517, 2518c, 2518h, 2518k, 2518l, 2518m, 2518n, of Chapter 4, Title 48, of the Revised Code of the State of Texas of 1895, and adding thereto Articles 2518q, 2518r, 2518s, 2518t, to said Chapter 4, Title 48, of the Revised Civil Code of the State of Texas of 1895, relating to fish, oysters, etc., and repealing all laws in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Articles 2509, 2510, 2514, 2516, 2517, 2518c, 2518h, 2518k, 2518l, 2518m, 2518n, of Chapter 4, Title 48, Revised Civil Code of the State of Texas, of 1895, be so amended as to hereafter read as hereinafter set forth, and that Articles 2518q, 2518r, 2518s, 2518t, be added to said Chapter 4, Title 48, of the Revised Civil Code of the State of Texas, of 1895, so as to read as hereinafter set forth:

Article 2509. The person appointed to the office of Fish Commissioner shall be a citizen of the United States and a resident of the State of Texas; he must be familiar with the habits of fish and oysters, and have some knowledge of navigation.

Article 2510. The Fish and Oyster Commissioner shall have his office in some town or city on the coast of Texas during the term of his office, which shall be for two years.

Article 2514. It shall be the duty of the Fish and Oyster Commissioner or his deputy to inspect all fish, green turtle, terrapin or oysters brought to market or offered for sale or shipment.

Article 2516. The Commissioner shall make, on the thirtieth day of June of each year, or so soon thereafter as practicable, not later than October first of each year, a report to the Governor of the fish and oyster trade of the coast of Texas; it shall contain:

1. The number and class of all boats engaged in the oyster and fish trade.
2. The number, acreage and place of location of all private oyster beds, and the amount of rents received therefor.

3. The number of seine and set nets licenses issued during the year.
4. The number of tongs, hand and dredge licenses issued during the year.
5. The amount of all fees received, and for what service.
6. The amount of all fines collected during the year.
7. Observations and remarks.

And failing to make such report within the time specified, the said Commissioner may, in the discretion of the Governor, be dismissed from his said office.

Article 2517. The Fish and Oyster Commissioner shall for his services be allowed the sum of eighteen hundred dollars (\$1800) per annum, be paid out of any funds in the State treasury not otherwise appropriated, to be paid in the same manner as other officers of the State. He shall also be allowed a sum, not to exceed six hundred dollars per annum, for office rent, traveling and other expenses, to be paid on vouchers approved by the Governor, that such amounts have actually been expended in the performance of the duties of said office, and he shall be allowed all stationery, books, blanks, tags, State laws and charts necessary to the execution of the duties of his office, said stationery, books, etc., not to exceed one hundred dollars in value. In addition to the duties heretofore prescribed, the Fish and Oyster Commissioner shall collect all rents on locations; shall have jurisdiction over all the public waters of the State, and it shall be his duty to examine, or have examined, all streams, lakes, or ponds, when requested to do so, for the purpose of stocking said waters with fish best suited to such location, and he shall procure and furnish said stock fish from the nearest fishery, and at the cheapest rate possible to parties applying for same. He shall have the right to appoint one or more deputy Fish Commissioners in any interior county in the State for the execution of the fish laws, for stocking any public stream, lake, or pond, and for the protection of said plants, said deputy to have the same authority over public fresh water streams, lakes or ponds in his county, and be under the same restrictions as the coast deputies appointed under this act; provided, that when such deputy serves without pay, he shall not be required to give bond, and the Commissioner shall not be held responsible for his acts. The interior deputies shall have the right to charge a sum not to exceed \$2.50 per day for the time actually employed in the examination of streams, lakes or ponds, and the stocking of the same, to be paid by the county, or parties having such waters stocked and the State shall not be liable in any sum for the services of any deputy Fish Commissioner, or deputy Fish and Oyster Commissioner in the interior or on the coast. The Fish and Oyster Commissioner shall keep a record of all stock fish furnished, to whom furnished, and cost of same; the streams, lakes or ponds stocked, number and kind of fish used in each, and shall report this, and the condition of such plants, as far as practicable, in his report to the Governor, with any other data he may obtain on this subject.

Article 2518c. Out of the fees collected for the licenses issued for seines, set nets, tongs or hand, and location fees and permits, the deputy Fish and Oyster Commissioners on the coast shall be paid the amounts allowed them as follows: Each coast Deputy Fish and Oyster Commissioner shall receive for his services a sum not to exceed six hundred dollars per annum, to be paid out of the collections made in the county of his

residence, and any balance above the six hundred dollars, shall be paid into the State treasury to the credit of the fish and oyster fund, by the Fish and Oyster Commissioner. All certificates issued by the Fish and Oyster Commissioner for the location of private oyster beds under the laws of 1895, passed by the Twenty-fourth Legislature, are hereby validated, and the Fish and Oyster Commissioner is hereby authorized to call in all certificates of location previously issued which are not annulled by the forfeiture under the law of 1895, and to issue new certificates in lieu thereof.

Article 2518h. No person shall hold the office of Deputy Fish Commissioner, or Deputy Fish and Oyster Commissioner who is not a citizen of the United States and resident of the State and county in which he holds his office, and he shall hold his office at the pleasure of the Fish and Oyster Commissioner.

Article 2518k. Any person wishing to engage in the business of fishing, or catching green turtle or terrapin in this State, must make application in writing to the Fish and Oyster Commissioner or his deputy for a license, stating under oath that he is a citizen of the United States, and stating also, the name and class of his boat, the number, class and length of seine or net to be used, and upon receipt of the amount of such license the Fish and Oyster Commissioner or his deputy shall issue a license authorizing said person to engage in said business. Said license must be signed by the Fish and Oyster Commissioner or his deputy, and must be stamped with the seal of his office, and it shall state the name of the applicant, and the place of his residence, the name, class and hailing point of his boat, the number, length and class of seine or set nets to be used, and the date of issuance of same. Such license shall be good for the purpose named therein for twelve months from the date of issuance of same, and for such license the applicant shall pay the sum of five cents per fathom for drag seines, and two and one-half cents per fathom for set nets, and the float line shall be deemed the length of such drag seine or set net. And it shall be the duty of the Fish and Oyster Commissioner or his deputy, to measure such seines or set nets and attach to each one a metal tag with the letters F. and O. C. stamped thereon.

Article 2518l. All oyster beds shall be public and private, all not designated as private shall be deemed public. All natural oyster beds and oyster reefs of this State shall be deemed public, and a natural oyster bed shall be declared to exist when as many as five barrels of oysters may be found therein within twenty-five hundred square feet of any portion of said reef or bed, and any lands covered by water containing less oysters than the above amount, shall be subject to location at the discretion of the Fish and Oyster Commissioner, but this shall not apply to a reef or bed that has been exhausted within a period of five years.

Article 2518m. Any person who is a citizen of the United States, or any corporation having been chartered in this State, shall have the right of obtaining a location for planting oysters and making private oyster beds within the navigable waters of this State, other than those mentioned in Article 2518o of this act, by making written application to the Fish and Oyster Commissioner or his deputy, describing the location desired. A fee of ten dollars cash must accompany such application. It shall then be the duty of the Fish and Oyster Commissioner or his deputy to, as soon as practicable, thoroughly examine the location desired,

with tongs, dredge, or in any other efficient manner; and if the same be not a natural oyster bed or reef, and not exempted from location, by any section of this act, he shall mark off a space not exceeding fifty acres in area, by planting four buoys, one at each of the four corners, which buoys must not be less than six inches in diameter and eighteen inches long, and for which buoys and the labor of placing the same, the locator must pay, and the locator must fasten securely to one or more of these buoys a notice of his location, and the Fish and Oyster Commissioner, or his deputy, shall give the locator a certificate, signed by such Commissioner, and stamped by the seal of his office; such certificate shall show the date of application, date of survey, manner of marking, and a description by metes and bounds with reference to the points of the compass, and natural and artificial objects by which the said location can be found and verified; at any time, not exceeding sixty days after the date of such certificate of location, the locator must file the same with the county clerk of the county in which the location is situated, who shall record same in a well bound book kept for the purpose, and the original, with a certificate of registration, shall be returned to the owner or locator; the clerk shall receive for the recording of such certificate the same fees as for recording deeds; the original or certified copies of such certificates shall be admissible in evidence under the same rules governing the admission of deeds, or certified copies thereof. Any person so locating shall be protected in his possession thereof against trespass thereon in like manner as freeholders are protected in their rights, so long as he complies with Article 2518n of this act.

Article 2518n. Any person, firm or corporation who secures a location for a private oyster bed in this State, shall keep the corners marked by securely anchored buoys, not less than six inches in diameter, nor less than eighteen inches long, and shall have the right to fence the said location, or any part thereof; provided, that said fence does not obstruct navigation through or into a regular channel or cut leading to other public waters, and the locator shall pay the following amount as rent for said location: In addition to the locating fee of ten dollars, as prescribed in Article 2518m of this act, he shall pay the sum of fifteen cents per acre to the first day of January following the date of application, to be paid to the Fish and Oyster Commissioner on receipt of the certificate of location; the rent for the next four years from the first day of January, above named, shall be twenty-five cents per acre per annum; and the rent thereafter shall be one dollar per acre per annum. The rent shall be paid to the Fish and Oyster Commissioner, and shall be due on January 1 of each year, and if not paid by March 1 of the same year the locator shall forfeit all rights to the location and the same shall revert to the State.

Article 2518q. Any person who is a citizen of the United States, or any corporation having been chartered in the State of Texas, wishing to plant oysters on location obtained from the State, or on private property in the State, must make written application to the Fish and Oyster Commissioner or his deputy for a permit or license, which shall entitle the holder to gather seed oysters from date of permit to the thirtieth day of April thereafter by tongs, rake, hand or dredge, without culling, on such reefs or beds, as may be designated by the Fish and Oyster Commissioner or his deputy in his said permit; provided, that in no instance

can there be designated a bed or reef on which marketable oysters are being or have been gathered in paying quantities within two years, but the bed or reef so designated shall be an old or abandoned bed or reef, or one on which oysters do not get in marketable condition during the oyster season; and in taking oysters from such reef or bed the work shall be done with a view of reclaiming and improving such reef or bed, and in no case shall more than three-fourths of the oysters be removed from any bed or reef during any one season. For the permit above named the applicant shall pay to the Fish and Oyster Commissioner, or his deputy, the sum of five dollars, and shall pay all expenses for the examining and locating such reef or bed designated, and a further sum of one cent per barrel for all oysters gathered by dredge or rake, and if gathered by tongs or hand, the same license shall be paid as if gathered for market: provided, that any one holding license for gathering oysters for market shall have the right to fish for seed oysters for parties holding a permit, or by paying a permit fee, if fishing for themselves.

Article 2518r. Any person wishing to go into the business of gathering oysters from the public beds or reefs of this State, must make application in writing to the Fish and Oyster Commissioner or his deputy, for a license, stating, under oath, that he, the applicant, is a citizen of the United States. He shall also give the name and class of boat used and pay the license fee. The license fee for each and every pair of tongs used shall be five dollars. The license for gathering by hand, or wading, shall be five dollars for each person actually gathering or picking up oysters. Such license shall be good from the date of issuance until the thirtieth day of April next thereafter, and shall be signed by the Fish and Oyster Commissioner, or his deputy, and stamped with the seal of his office, and any one holding such license in his own name can fish from any boat, and any person shall be entitled to hold a license to catch fish, green turtle or terrapin, or to gather oysters for sale or market who is a citizen of the United States.

Article 2518s. The commissioners' court of any county bordering on any stream, or having within its borders any public stream, lake or pond, shall have the right to appropriate a sum not to exceed two hundred dollars per annum, out of the general fund of the county, or as much thereof as said court may deem necessary, for the purpose of stocking said waters with fish, and at the request and recommendation of said commissioners' court, the State Fish and Oyster Commissioner shall appoint a deputy fish commissioner for said county, who shall have charge of all public waters in said county for the purpose of stocking and protecting same, and the commissioners' court shall pay the said deputy for his services such amount as may be agreed upon, not to exceed two dollars and fifty cents per day.

Article 2518t. The Fish and Oyster Commissioner, or any deputy, who may find any drag seine or set nets in any waters of the State designated as breeding grounds for fish, turtle and terrapin during the closed season of said waters (consisting of the time intervening between April 1st and September 1st of each year), not in possession of the owner thereof, and without any person in charge of same, it is hereby made his duty to take charge of such property and proceed to advertise and sell the same in the same manner as it is provided in the law governing the sale of estrayed animals.

SEC. 2. Whereas, the fact that the laws of this State are now inadequate for the protection of the subjects of the foregoing act, wherefore an imperative public necessity that this act be passed under a suspension of the constitutional rule requiring a bill to be read on three several days, and that it take effect from and after its passage, and it is so enacted.

SEC. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0; and was reported to the House, where it was amended, and passed by a two-thirds vote, yeas 94, nays 0; Senate concurred in House amendments, no vote given.]

Approved June 5, 1899.

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## SUPERINTENDENT OF PENITENTIARIES—TO SELL CERTAIN STATE LANDS.

S. B. No. 165.]

### CHAPTER CLXXVI.

An Act to authorize the Superintendent of the State Penitentiaries, with the advice and consent of the Governor, to sell the State's interest in certain lands situated in Maverick county, being an undivided interest of two-thirds in 320 acre survey No. 50, in the name of John James, assignee of Hendrick Arnold, and to pay over the proceeds thereof to the Financial Agent of the State Penitentiaries, for the use of the penitentiaries.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Superintendent of the State Penitentiaries be and is hereby authorized, with the advice and consent of the Governor, to sell to the best advantage of the State, for cash, the following land, to-wit: "An undivided interest of two-thirds in and to (320) three hundred and twenty acres of land, situated in Maverick county, Texas, a part of survey No. 50, originally granted to John James, assignee of Hendrick Arnold," and pay over the proceeds thereof to the Financial Agent of the State Penitentiaries for the use of the penitentiaries of the State of Texas, and make due report of said sale to the Governor.

SEC. 2. The Superintendent of the State Penitentiaries is hereby empowered to make a conveyance of said property to the purchasers thereof, in accordance with the provisions of the foregoing section.

SEC. 3. Whereas, the property described in Section 1 of this act, is an undivided interest, and was forced upon the State in satisfaction of a worthless judgment, and is detached and isolated and brings no rental value for which a bidder can now be found, and it being to the interest of the State to dispose of the same when it can, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, therefore said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the

Senate by a two-thirds vote, yeas 23, nays 2; and passed the House of Representatives by a two-thirds vote, yeas 97, nays 0.]

Approved June 5, 1899.

Became effective June 5, 1899.

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## STATE ASYLUMS—THEIR IMPROVEMENT—AMENDMENT.

H. B. No. 572.]

### CHAPTER CLXXVII.

An Act to amend Article 148, Chapter 2, Revised Statutes of the State of Texas, relative to payment for construction or improvement of State asylums.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 148, Chapter 2, Revised Statutes of the State of Texas, be so amended as hereafter to read as follows:

Article 148. All moneys appropriated by the Legislature for the erection of buildings, or the making of improvements upon the grounds of an asylum, shall be subject to rejection by the board of trustees of such asylum, for the amount actually necessary to pay for such building or improvements; but no money shall be paid except it be upon estimates of completed work, furnished by the contractor, and approved by the architect and board of trustees; provided, that in no case shall more than three-fourths of the actual cost of building or improvements be paid until the work is completed and accepted.

Approved June 5, 1899.

Takes effect 90 days after adjournment.

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## BURGLARY—AMENDMENT.

H. B. No. 291.]

### CHAPTER CLXXVIII.

An Act to amend Chapter 6, Title 17, of the Penal Code of the State of Texas, by adding thereto Articles 839a, 845a, 845b and 845c, defining and punishing the crime of burglary of a private residence at night.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 6, Title 17, of the Penal Code of the State of Texas, be amended by adding thereto Articles 839a, 845a, 845b and 845c, as follows:

Article 839a. The offense of burglary of a private residence is constituted by entering a private residence by force, threats or fraud, at night, or in any manner by entering a private residence at any time, either day or night, and remaining concealed therein until night, with the intent, in either case, of committing a felony, or the crime of theft.

Article 845a. The punishment for burglary of a private residence shall be by imprisonment in the penitentiary for any term of years not less than five.

Article 845b. Nothing in Articles 839a and 845a of this chapter shall be construed to alter or in any manner repeal Articles 838 and 839 of this chapter, nor any part thereof, but shall be construed to make burg-



lary of a private residence at night a separate and distinct offense from burglary, as defined in Articles 838 and 839 of this chapter.

Article 845c. The term "private residence," mentioned in Articles 839a, 845a and 845b of this chapter, shall be construed to mean any building or room occupied and actually used at the time of the offense by any person or persons as a place of residence.

SEC. 2. The near approach of the close of the present session of the Legislature, and the crowded condition of the calendar, create an emergency and an imperative public necessity, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Approved June 5, 1899.

Takes effect 90 days after adjournment.

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## UNLAWFUL USE OF ANOTHER'S ANIMAL—AMENDMENT.

H. B. No. 135.]

### CHAPTER CLXXIX.

An Act to amend Article 788, Chapter 3, of the Penal Code of the State of Texas, relating to the use of animals without the consent of the owner.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 788, Chapter 3, of the Penal Code of the State of Texas, relating to the use of animals without the consent of the owner thereof be, and the same is hereby amended so as to hereafter read as follows:

Article 788. Any person who shall hereafter take and use, or take up and use, any horse, mare, gelding, mule, ox, cow, or any other dumb animal, the property of another, and without the consent of the owner thereof, shall be fined in any sum not less than ten nor more than one hundred dollars; provided, that nothing herein contained shall prevent a prosecution for the theft of such animal whenever the offense of which said party shall be guilty shall come within the meaning of that crime; provided, that this article shall not be construed as in any way to interfere with the laws regulating estrays.

SEC. 2. Whereas, there is now no law on our statutes that sufficiently prevents the use of animals without the consent of the owner thereof, and there exists a necessity for immediate action of the Legislature, therefore an emergency and an imperative public necessity exists, requiring that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended.

Approved June 5, 1899.

Takes effect 90 days after adjournment.

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## OCCUPATION TAX REPEALED—PHYSICIANS.

S. S. B. No. 19.]

CHAPTER CLXXX.

An Act to repeal Subdivision 14, of Article 5049, Chapter 18, Title 104, of the acts of the First Called Session of the Twenty-fifth Legislature, relating to occupation taxes on physicians and surgeons.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Subdivision 14, of Article 5049, Chapter 18, Title 104, of the "Acts of the First Called Session of the Twenty-fifth Legislature" be, and the same is hereby repealed.

SEC. 2. Whereas, the collection of occupation taxes on physicians and surgeons is unjust, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate and was reported to the House of Representatives, where it was amended and passed, no vote given in either instance. The Senate refused to concur in House amendments, and asked for Free Conference Committee. The report of the Free Conference Committee was adopted by the Senate and by the House of Representatives, no vote given in either instance.]

Approved June 5, 1899.

## BRIBERY—AMENDMENT.

S. S. B. No. 46.]

CHAPTER CLXXXI.

An Act to amend Article 127, Chapter 1, Title 5, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, relating to bribery.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 127, Chapter 1, Title 5, of the Penal Code of the State of Texas be amended so as to hereafter read as follows:

Article 127. (122) Under the name of Executive, Legislative and Judicial officers are included the Governor, Lieutenant-Governor, Comptroller, Secretary of State, State Treasurer, Commissioner of the General Land Office, Commissioner of Agriculture, Insurance, Statistics and History, Superintendent of Public Instruction, members of the Legislature, aldermen of all incorporated cities and towns in this State, judges of the Supreme, District and County Courts and of the Courts of Appeals, Attorney-General, district and county attorneys, justices of the peace, mayors and judges of such city courts as may be organized by law, county commissioners, school trustees, and all other city, county and State officials.

SEC. 2. The fact that this law is being grossly violated in many places in Texas, creates an emergency and a public necessity requiring the suspension of the constitutional rule which requires bills to be read on three

several days in each house, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, and passed the House of Representatives, no vote given in either instance.]

Approved June 5, 1899.

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### CITIES AND TOWNS—VALIDATING ACT—AMENDMENT.

S. B. No. 360.]

#### CHAPTER CLXXXII.

An Act to amend Article 386c, Title 18, Chapter 1, Revised Civil Statutes of the State of Texas, 1895, relating to validating certain incorporations of cities and towns.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 386c, Title 18, Chapter 1, Revised Civil Statutes of the State of Texas, 1895, be so amended as hereafter to read as follows:

Article 386c. All cities and towns in this State whose charter may be void by reason of a failure to properly define their limits or that may have included in such limits more territory than is provided for in Article 386a, that shall within one hundred days, from the taking effect of this law, comply with Article 386a, be and such charter and incorporation are hereby in all things validated, the same as if such territorial limits had at first been properly established.

SEC. 2. The crowded condition of the calendar and the near approach of the end of the Twenty-sixth Legislature, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 87, nays 0.]

Approved June 5, 1899.

Became effective June 5, 1899.

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### SCHOOL DISTRICTS—AMENDMENT.

H. B. No. 483.]

#### CHAPTER CLXXXIII.

An Act to amend Article 3938, Chapter 10, Title 86, of the Revised Civil Statutes of the State of Texas of 1895, relating to school districts.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3938, of Chapter 10, Title 86, of the Revised Civil Statutes of the State of Texas of 1895, relating to school districts, shall be so amended as hereafter to read as follows:

Article 3938. It shall be the duty of the county commissioners' court

of all organized counties, not already subdivided, to subdivide their respective counties into convenient school districts by the first day of June, 1899, or as soon thereafter as practicable, and counties hereafter organized shall be subdivided before the beginning of the next ensuing school year (provided, that nothing in this article shall be construed to affect counties that have been placed under the community system). Said courts shall designate said school districts by numbers; provided, that when districts are once established they shall not be changed except upon the following conditions, to-wit: When any patron or patrons of any school in any school district desire to be transferred to any adjoining district they shall make application to the commissioners' court of their county for a change in the district line, and if it shall appear to the said court upon full and complete evidence that the desired change in the district line will divide the distance more equally between the two schools affected by the change, and that the patrons so petitioning live nearer by the most practical road to the school to which they desire to be attached than to the one from which they seek to be released; or if it shall appear to the said court that there is an uncontrollable and dangerous obstacle between the houses of said petitioning patrons and the school to which they have heretofore been attached, and that the school to which they desire to be attached is more accessible than the former, the said commissioners' court may change the district line as requested, but said change shall be by unanimous consent of all the commissioners elected. The commissioners' court shall also have power to correct all errors in school district lines and to complete said lines when they are defective. But two or more adjacent school districts may, by a majority of the qualified voters of each district, and with the approval of the county superintendent, be consolidated, and in such case the county superintendent shall designate such consolidated district by suitable number. The commissioners' court of any organized county to which any unorganized county is attached for judicial purposes may, and upon the written petition of not less than ten resident citizens of such unorganized county, shall create such unorganized county into one or more school districts, and shall cause an order to that effect to be entered upon the minutes of said court.

SEC. 2. The fact that there is now no practicable law by which school district lines may be changed, the great necessity for the same, and the crowded condition of the calendar, creates an imperative public necessity and an emergency that the rule requiring bills to be read on three several days should be suspended, and it is hereby so enacted and declared that this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved June 6, 1899.

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## PORT ARTHUR INDEPENDENT SCHOOL DISTRICT.

S. B. No. 349.]

## CHAPTER CLXXXIV.

An Act to be entitled An Act to authorize, enable and permit School District No. Fourteen (No. 14), of the county of Jefferson, and State of Texas, to incorporate as an independent school district for free school purposes only, to be known as the "Port Arthur Independent School District," with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That School District No. Fourteen (No. 14), of the county of Jefferson, and State of Texas, as now formed and bounded, and including within its bounds the city of Port Arthur, incorporated for municipal purposes under the General Laws of this State, as a city of one thousand inhabitants and over (the same not having assumed control of the public schools within its limits), and other land and territory adjacent thereto, is hereby authorized, enabled and permitted to incorporate as an independent school district for public free school purposes only, under the name of the Port Arthur Independent School District, in the manner in this act provided.

SEC. 2. The county judge of said county of Jefferson, within ten days after receiving the written application of not less than one hundred of the qualified electors of said School District No. Fourteen, shall make an order for holding an election on a day therein named, and at a place therein designated, within said school district, for the purpose of submitting to a vote of the qualified electors of said district the question of incorporating as an independent school district, under the name of the Port Arthur Independent School District, under the authority and provisions of this act.

SEC. 3. The said county judge shall appoint an officer to preside at said election, who shall select two judges and two clerks to assist him in holding the same, all of whom shall serve without compensation. Ten days previous notice of the time, place and purpose of such election shall be given by posting advertisements thereof at three public places in said school district; and, except as herein otherwise provided, said election shall be held in the same manner as general elections under the General Laws of this State, and return thereof shall be made to said county judge within five days thereafter.

SEC. 4. If a majority of the votes cast at said election shall be in favor of such incorporation, and shall be so returned to said county judge, said school district shall thereby be and become an incorporated independent school district under the name of the Port Arthur Independent School District, and shall have, possess and exercise all the powers, rights and duties of independent school districts formed by towns and villages incorporating for free school purposes only; and the said county judge shall cause an entry thereof in the records of the county commissioners' court; and said county judge shall, within ten days after receiving said election returns, order an election to be held in said Port Arthur Independent School District, for a president of the school board to serve until the regular trustees' election in December, 1901, and for six school trustees, three of whom shall serve until the regular election in Decem-

ber, 1901, and the remaining three shall serve until such election in December, 1903. The six trustees elected at said election shall, as soon as possible thereafter, determine by lot which three of the trustees shall serve until December, 1901, and which three shall serve until December, 1903.

Said president of the school board and said six trustees, and their successors, shall be elected and qualified in the manner provided by the act of this Legislature, approved March 30, 1899, entitled "An Act to provide a uniform method of electing school trustees in independent school districts," etc.

SEC. 5. Such incorporated independent school district and the said trustees and school board thereof shall be vested with and have, possess and exercise all the rights, powers and duties of independent school districts, and of the boards of trustees thereof, formed by towns and villages incorporating for free school purposes only, under the provisions of Chapter 45, of the General Laws of the State of Texas, for the year 1897, Chapter 15, of Title 86, of the Revised Civil Statutes of 1895, and the aforesaid act approved March 30, 1899, so far as the same are now in force, and any acts amendatory thereof, as to voting, assessing, levying and collecting taxes for school purposes, and as to voting and issuing coupon bonds of said independent school district for the purpose of purchasing or constructing free school buildings, and as to having full management and control of the public free schools of such incorporated independent school district, and as to organizing by choosing from their number a secretary, a treasurer and an assessor and collector of taxes, wholly free and independent of and from the control, interference and powers of said incorporated city of Port Arthur.

SEC. 6. The near approach of the close of the present session of the Legislature, and the crowded condition of the calendar of both the Senate and the House, and the fact that there is now no law authorizing county school districts to be formed and incorporated into independent school districts, and no law authorizing an independent school district to be formed and incorporated which may include within its bounds a city incorporated for municipal purposes under the General Laws of this State, and the justness of this act, create an emergency and an imperative public necessity that the constitutional rule which requires bills to be read on three several days in each house be suspended, and it is so enacted, and that this act go into effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 90, nays 0.]

Approved June 6, 1899.

Became effective June 6, 1899.

PRAIRIE VIEW STATE NORMAL AND INDUSTRIAL  
COLLEGE—AMENDMENT.

S. H. B. No. 379.] CHAPTER CLXXXV.

An Act to amend Articles 3886 and 3887, of Chapter 5, of Title 86, of the Revised Statutes of the State of Texas, relating to the Normal School for Colored Teachers at Prairie View.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 3886 and 3887, of Chapter 5, of Title 86, of the Revised Civil Statutes of the State of Texas be so amended as that same will hereafter read as follows:

Article 3886. Said board of directors shall admit one student from each Senatorial district, who shall be appointed by the Senator representing said district, and one student from each Representative district, who shall be appointed by the member of the Legislature representing said district; provided, that where there are more than one Representative in a district each Representative of such district shall appoint one student, said students to be taken from the colored population of this State, which said students shall not be less than sixteen years of age at the time of their admission; provided, the said school shall hereafter be called and known as "Prairie View State Normal and Industrial College."

Article 3887. Said board shall appoint a principal teacher and such assistant teacher or teachers of said school and such other officers of said school as may be necessary, and shall make such rules, by-laws and regulations for the government of said school as they may deem necessary and proper, and shall regulate the course of study and the manner of performing labor to be performed by the students, and shall provide for the board and lodging and instruction to the students, without pecuniary charge to them, other than that each student shall be required to pay one-third of the cost of said board, lodging and instruction, quarterly, in advance, and said board of directors shall regulate the course of discipline necessary to enforce the faithful discharge of the duties of all officers, teachers, students and employes of said school, and shall have the same printed and circulated for the benefit of the people of the State and the officers, teachers, students and employes of said school.

SEC. 2. The near approach of the end of the session, and the crowded condition of the calendar of both houses of the Legislature, and the improbability that this bill can be reached in its order on three several days in each house, and the great need and demand for the passage of this act, create an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is so suspended.

Approved June 6, 1899.

Takes effect 90 days after adjournment.

## PUBLIC SCHOOLS—BOARD OF EXAMINERS.

S. B. No. 183.]

CHAPTER CLXXXVI.

An Act to amend Articles 3972, 3973, 3973c, 3974 (1) and (2), 3974c, 3976c and 3980, Chapter 13, Title 86, Revised Statutes, 1895, relating to boards of examiners and teachers.

*Be it enacted by the Legislature of the State of Texas:* That Articles 3972, 3973, 3973c, 3974 (1) and (2), 3974c, 3976c and 3980, Chapter 13, Title 86, Revised Civil Statutes, 1895, be amended so as to read as follows:

Article 3972. There shall be in each organized county in this State a county board of examiners. Said board shall be composed of three members, to be appointed by the county superintendent; provided, that in counties having no county superintendent, the county judge shall appoint a county board of examiners. The persons so appointed shall be teachers residing in the county for which they are appointed, holding first grade certificates, or certificates of some higher rank, which certificates shall be valid in the county for which said persons are appointed at the time of appointment; provided, that if the services of such persons cannot be secured, the superintendent may appoint other qualified persons residing in the county for which they are appointed. The members of the county board of examiners shall serve during the pleasure of the county superintendent of the county for they are appointed. Said board of examiners shall meet at the call of the county superintendent, and the presence of a majority of the members of the board shall be necessary to the transaction of business.

Article 3973. Any person desiring to be examined for a county certificate shall make application to the county superintendent, stating the class of certificate desired, and shall present him a certificate of three good and well-known citizens, or such proof as he may require, of all the qualifications, except the examination grades, required for the class of certificate desired. After investigation, the county superintendent shall give the applicant a written recommendation to the board of examiners, requiring them to examine the applicant for a certificate of such class, if any, as they may find the applicant entitled to upon making the necessary examination grades.

But no person shall receive such recommendation without first depositing with the county superintendent the sum of two dollars as a county examination fee, and the recommendation given by the superintendent shall show the receipt of the examination fee.

The board of examiners shall in no case permit any person to enter upon the examination without first presenting the written recommendation of the county superintendent.

Article 3974. An applicant for a third grade certificate shall be examined in spelling, reading, writing, arithmetic, English grammar, geography, Texas history, elementary physiology and hygiene and the laws of health, with special reference to narcotics, and school management and methods of teaching. A third grade certificate shall be valid for one year from the date of issue, and to receive such certificate the applicant shall, upon examination, make on the prescribed subjects an average



grade of not less than seventy, and on each prescribed subject a grade of not less than fifty; provided, that a third grade certificate shall not in any case be good except in the county where issued.

(1) An applicant for a second grade certificate shall be examined in the subjects prescribed for a third grade certificate, and, in addition thereto, in United States history, elementary principles of civil government, English composition, physiology and hygiene, and physical geography. A second grade certificate shall be valid for two years from the date of issue, and to receive such certificate the applicant shall, upon examination, make on the prescribed subjects an average grade of not less than seventy-five, and on each subject of not less than fifty; provided, that if the applicant make a general average on the prescribed subjects of eighty-five, and on each subject a grade of not less than fifty, the certificate shall be valid for four years; and further provided, that if under the conditions hereinafter named, the holder of a second grade State certificate, issued by the State Board of Examiners and valid for four years, shall pass a satisfactory examination upon the additional subjects of, the history of education, elementary psychology applied to teaching, and English and American literature, with a general average grade of eighty-five on the subjects named, and not less than fifty on each subject, said grade to be determined by the State Board of Examiners, the said holder shall be entitled to a permanent certificate to be known as a Permanent Primary Certificate, and said certificate shall be valid in any county of the State in any primary school, except when cancelled by authority, for reasons applicable to any other class of permanent certificate.

(2) An applicant for a first grade certificate shall be examined in the subjects prescribed for third and second grade certificates, and, in addition thereto, in physics, algebra, elements of geometry, the Constitution of the United States and the State of Texas, and general history, and the effects of tobacco and alcoholic intoxicants upon the human system. A first grade certificate shall be valid for four years; provided, if the holder thereof shall withdraw from school work for a period of two years or longer, such certificate shall become void; and to receive such certificate the applicant, upon examination, shall make upon the prescribed subjects an average grade of not less than eighty-five, and on each subject a grade of not less than fifty; provided, that a first grade certificate shall be valid for two years if the applicant makes a grade of not less than fifty on each subject, and a general average of seventy-five.

Article 3974c. The county superintendent shall, upon the request of any applicant second grade, first grade or permanent certificate, made in writing before the adjournment of the board of examiners, forward to the State Superintendent, to be submitted to the State Board of Examiners hereinafter provided, such applicant's papers, and the report of the county board of examiners thereon, together with a fee of one dollar paid him by the applicant; provided, that this shall not in any manner interfere with the issuance of the proper county certificate to said applicant.

Article 3976c. Any person holding a second grade or first grade certificate may, at any time during the validity of said certificate, receive in lieu thereof a certificate of the next higher class by taking the examination on the additional subjects prescribed for such higher class certificate; provided, that such applicant's average grade on all subjects prescribed for such higher class certificate, as shown by both examinations, shall not

be less than hereinbefore fixed, and the minimum grade on any subject shall not be less than hereinbefore provided; and provided further, that said applicant shall possess all the other qualifications required by law for persons receiving such certificates of such higher grade.

Article 3980. A city or town which has five hundred scholastic population or more, and has become an independent school district, and which levies a local tax for educational purposes, or maintains a system of free schools for nine months in each year, and which has employed a superintendent of city schools, may have a city board of examiners. Said board of examiners shall in all cases consist of a city superintendent of the city schools, together with two other persons, who shall be appointed by him, and who shall be teachers, and the superintendent shall not be subject to examination. The city board of examiners are hereby authorized to issue certificates valid only in the city in which they are issued. Such certificates shall be of two kinds, as follows:

Temporary certificate.

Permanent certificate.

Temporary and permanent certificates shall be of three classes for each kind, as follows:

Primary teacher's certificate.

Intermediate teacher's certificate.

High school teacher's certificate.

A temporary certificate shall be good for any period not exceeding four years, to be determined by the board of trustees of such city or town. A permanent certificate shall good during good behavior, and shall not be issued to any person who has not been engaged successfully in teaching in the schools of Texas for a period of at least three years. A teacher holding a primary teacher's certificate may teach in the primary schools or primary grades. A teacher holding an intermediate teacher's certificate may teach in the intermediate grades. A teacher holding a high school teacher's certificate may teach in the high schools or high school grades. The further regulation of the issuance of such certificates shall be provided for by the board of trustees of such cities or towns; provided, that no city or town shall make the requirements for its temporary, primary or temporary intermediate certificates inferior to the requirements prescribed by law for second grade county certificates, or the requirements for its temporary high school certificates less than those prescribed by law for first grade county certificates, or the requirements for its permanent certificates less than those prescribed by law for permanent county certificates; and further provided, that the board of trustees of any town or city having control of its schools and having its own board of examiners, may provide a permanent primary certificate on the conditions and after the manner hereinbefore prescribed for the issuance of county permanent primary certificates. Nothing in this chapter shall interfere with the validity of outstanding certificates in such cities and towns, or prevent the extension of such certificates for a period not to exceed four years. Cities and towns authorized by the provisions of this chapter to have a city board of examiners may, at the discretion of the superintendent of the city schools, employ a teacher of any special branch not included in the requirements for a State certificate, without requiring an examination or a teacher's certificate; and nothing in this chapter shall prevent the board of trustees of any such city or town from recognizing

the certificates issued in any other such city or town in this State, and validating the same in the city or town so recognizing them.

Approved June 6, 1899.

Takes effect 90 days after adjournment.

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PUBLIC SCHOOL LANDS—REGULATE TREASURERS'  
REPORTS—AMENDMENT.

S. B. No. 175.]

CHAPTER CLXXXVII.

An Act to amend Section 1 of an act to regulate and limit the expenditures of State, county and local public school funds, and regulate treasurers' reports thereof, approved June 23rd, 1897.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 1 of the above recited act be amended so as hereafter to read as follows:

Section 1. The public school funds hereafter shall not be expended except for the following purposes:

1. The State and county available school funds shall be used exclusively for the payment of teachers' and superintendents' salaries and fees for taking scholastic census, and a commission to the county treasurer of one-half of one per cent. for receiving and one-half of one per cent. for disbursing the school funds; provided, no commission shall be paid for receiving the balance transmitted to him by his predecessor or for turning over the balance in his hands to his successor, and that he shall receive no commission on money transferred; provided, that nothing in this act shall be construed to increase the maximum now allowed by law.

2. Local school funds from district taxes, tuition fees of pupils not entitled to free tuition, and other local sources may be used for the purposes enumerated for State and county funds and for purchasing appliances and supplies, for the payment of insurance premiums, janitors and other employes, for buying school sites, buying, building and repairing and renting school houses, and for other purposes necessary in the conduct of the public schools to be determined by the board of trustees, the accounts and vouchers for county, districts and communities, to be approved by the county superintendent; provided, that when the State available school fund in any city or county is sufficient to maintain the schools thereof in any year for at least eight months, and leave a surplus, such surplus may be expended for the purposes mentioned herein.

SEC. 2. The crowded condition of the calendar, rendering it improbable that this bill can be read on three several days, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 2, and was reported to the House of Representatives, where it was amended and passed, vote not given; Senate refused to concur in House amendments and asked for a

Free Conference Committee; Free Conference Committee report adopted by the Senate and by the House, no vote given.]

Approved June 6, 1899.

## SCHOOL LANDS—CORRECTION AND DIVISION.

### S. S. B. No. 298.] CHAPTER CLXXXVIII.

An Act providing for the correction and division of unpatented alternate surveys between the individual owner and State school land in conflict with older valid surveys, and to protect the purchasers of school land in conflict therewith, and for patenting the same.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That in all cases where land certificates granted by the State have been located in a block or blocks of two or more alternate surveys and either or all of such surveys are found to be either wholly or partly in conflict with older valid surveys, such individual surveys as may not be patented in such block or blocks, and which may conflict as aforesaid, and such school surveys, except those which may be sold, or those which may have been sold and were in good standing on the 31st day of October, 1898, or those for which there may be pending purchase applications in General Land Office at the time said Commissioner of the General Land Office shall issue his instructions to the surveyor, as hereinafter provided, may be adjusted under the direction of the Commissioner of the General Land Office as provided herein.

SEC. 2. When any such adjustment is desired as mentioned in the preceding section, the said Commissioner shall, upon request of the party owning such individual survey or surveys, or, in the absence of such application, upon his own judgment, direct the proper surveyor of the county in which such conflicting surveys may be situated, to survey such sections as may be in conflict, and so alter or change the field notes of each and every survey for which an adjustment is sought, except where the school survey has been sold or applied for as above provided; and in making such change or alteration the said surveyor shall divide the total area of the individual survey and its alternate school survey equally between the individual and the school survey, unless there is an excess, in which case the excess shall go to the school survey, and patents shall issue accordingly; provided, that the State shall not be required to pay any costs in the matter of resurveying and setting the boundary lines of said lands as provided for in this act.

SEC. 3. The Commissioner of the General Land Office shall ascertain the entire number of acres in the school surveys wholly or partly free from conflict, exclusive of any excess there may be in each of said school sections, in any particular block, and also the entire number of acres in the individual surveys free from conflict in such block, and shall issue patents on enough of the individual surveys, if there be enough, to equal in area the total area of said school surveys so wholly or in part free from conflict, without considering the excess in each school section; and in case the total area of the individual surveys in any particular block exceeds the total area of the school surveys, then such excess shall be equally divided between the individual and the school surveys, and patents shall issue

accordingly; and if in any case the total area of the school surveys in any particular block, not including any excess there may be in each school section, nor to give any individual any more than their respective total complement by reason of such resurvey, exceeds the total area of the individual surveys, then such excess shall be equally divided between the individual and school surveys, and patents shall issue accordingly; provided, sufficient amount of the school surveys not sold or applied as aforesaid, remain to admit of such division.

SEC. 4. Where purchasers of school lands have been misled as to the correct lines of their surveys, and have improvements thereon, the Commissioner of the General Land Office may, by the written consent of the purchaser of the school survey and the owner of the individual survey, filed in the General Land Office, be authorized to change the number of surveys, or have them so corrected as to protect the improvements of the purchaser of the school lands.

SEC. 5. Be it further enacted, that the provisions of this act shall not affect prior valid rights of third persons.

SEC. 6. The fact that said school lands and the individual surveys in many cases are in confusion on account of adverse location, there is an immediate demand for the settlement of said conflict so that the purchasers of the individual surveys and the public school land may have the boundary line settled and adjusted, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 1, and was referred to the House of Representatives, where it was amended and passed, vote not given; Senate concurred in House amendments, vote not given.]

Approved June 15, 1899.



## RESOLUTIONS.

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### FRONTIER CLAIMS AGAINST UNITED STATES GOVERNMENT.

S. C. R. No. 20.]      CONCURRENT RESOLUTION.

Whereas, there exists an unsettled claim of long standing in favor of the State of Texas against the government of the United States, and whereas, said claim was acknowledged more than once to be just and reasonable according to the following statements of facts, viz.:

In 1854, General Percifer F. Smith, commanding the United States frontier troops in Texas, by the authority of Mr. Jefferson Davis, the Secretary of War, made a requisition on the Governor of Texas for six companies of mounted volunteers, to be mustered into the service of the United States, to assist in repelling Indian incursions. These troops, by the direction of General Smith, were to assemble at the city of Austin on Nov. the 1st, 1854. Proclamation was issued by the Governor calling for six companies of mounted volunteers, which were duly organized and assembled at Austin, on Nov. the 1st. By some misunderstanding the troops were never mustered into the service of the United States until various dates in December following. When the troops were discharged the United States government paid them only from the time they were actually mustered into the service of the United States, instead of from Nov. the 1st, the time fixed for their assembly at Austin by General Smith. In 1856, the State Legislature made an appropriation of \$61,000 to pay these companies from Nov. 1st up to the time of mustering into service by the U. S. officers, expecting, as stated by the Governor, that the U. S. would refund the amount paid by the State. Subsequent to 1855, troops were called out by the Governor at various times to repel Indian aggressions, for the expense of which the State expected reimbursement by the U. S. authorities, and in due time filed a claim against the government for the amount expended by the State in protecting the border from Indian depredations. The following shows what action has been taken on the claim by the State by Congress and by the Secretary of War, giving the present status of the claim as reported by the Secretary of War to Congress:

1857—Resolution by the Texas Legislature requesting our representatives in Congress to urge the necessity for refunding to Texas the amounts spent in protecting the frontier since the 28th of Feb., 1855.

1858—Governor Runnells files with the Secretary of War a statement of the amounts appropriated by the State, \$184,544.51. A favorable report was made by the House Committee on Military Affairs Jan. 28, 1859.

[1859.—Congress made an appropriation to refund to Texas the money advanced for payment of six companies of mounted volunteers called into

service by General Smith by the authority of the Secretary of War, for the payment of which Texas had appropriated \$61,000.]

1860—Congress extended the provisions of the Act of 1859 so as to include all the money advanced by the State of Texas in payment of volunteers called out in defense of the frontier of that State since the 28th of Feb., 1855, and appropriated \$123,544.51. The act provides that all monies advanced by the State of Texas in payment of volunteers called out in defense of the frontier of that State since the 28th of Feb., 1855, shall be reimbursed; provided, the Secretary of War shall be satisfied that there was a necessity for calling out these troops, or that they were called out by competent authority, and that the amount so claimed was actually paid by the said State, and that the amount provided for shall not exceed the sum of \$123,544.51. This amount was specified because the appropriation of 1859 covered the sum of \$61,000, and these amounts taken together make the total of the statement filed with the Secretary of War by Governor Runnells as having been appropriated by Texas (184,544.51).

September, 1860—The Secretary of War called upon the State for a full statement of the account with the original vouchers, and in Nov. decided regarding the proviso of the Act of 1860, that he was "satisfied that there was a necessity for calling out the Texas volunteers mentioned therein, and that they were called out by competent authority," and the auditor was directed to audit the claim of Texas as soon as the proper vouchers were received.

Feb'y, 1861—The State Comptroller filed with the Secretary of War the vouchers called for. To meet objections the vouchers were withdrawn for perfection, but before an adjustment of the claim could be made the war intervened and suspended all transactions in that direction.

1871—The Legislature passed an act authorizing the Governor, by himself or his agent, to receive from the U. S. government all the amounts due the State of Texas. Governor Davis, through his agent, Mr. J. P. Newcomb, refiled with the Secretary of War the claim of the State with corrected vouchers, and requested of the Secretary of War payment of the amount appropriated by Congress in 1859 and 1860. The Secretary of War replied, "No claim can now be considered under Section 6, of the Act of June 21, 1860, as the amount thereby appropriated, viz.: \$123,544.51, was carried to the surplus fund under Section 10, of the Act of August 31st, 1852." That the claim could not be favorably entertained until Congress acts further in regard to them. The vouchers filed by Mr. Newcomb amounted to \$223,144.87, expended by Texas to Sep. 1st, 1859.

1872—The House of Representatives of Congress requested the Secretary of War to inform the House why the money appropriated by the Acts of Congress Mar., 1859, and June, 1860, had not been paid to the State of Texas as provided in said acts. The Secretary of War replies by enclosing a copy of his letter to Mr. Newcomb, mentioned in preceding paragraph, stating that the appropriation had been carried to the surplus fund.

April, 1872—In response to a request the Secretary of War transmits to the House of Representatives of Congress a full statement of the action taken by that department on the Texas claims. After applying the most rigid rules in the examinations of the vouchers the amount reported "as should be allowed" was \$65,942.00. The balance of the amount claimed



by the State was in part suspended for further information, in part refused.

1875—Governor Coke called the attention of the Texas delegation in Congress to the amounts spent by the State for frontier protection both before and subsequent to the war.

1880—The Secretary of War, in response to a request by the House of Representatives of Congress for information in relation to the claims of the several States against the government includes in his report the claim of Texas for expenditures prior to the war, and attaches the report on the Texas claims made by the Secretary of War in 1872, before mentioned.

So far as appears no effort has been made to collect the amount admitted to be due the State.

1898—The auditor of the War Department states that there is no authority to settle the claim by reason of the falling back of the appropriation into the surplus fund.

Therefore be it resolved by the Senate, the House of Representatives concurring, that the Governor of the State be and he is hereby requested to investigate the above facts, and if he finds them true as stated, then to take such steps as may be necessary to collect the claim, and have the amount so collected placed in the treasury of the State. No commission nor sum of money shall be ever allowed as attorney's fees for collecting said above mentioned claim, but all efforts to collect the same shall be made through the duly constituted authorities and the Texas delegation in Congress.

Approved May 25, 1899.

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#### JUDGE SAM R. SCOTT GRANTED LEAVE OF ABSENCE.

##### H. C. R. No. 56.] HOUSE CONCURRENT RESOLUTION.

Granting Hon. Sam R. Scott, judge of the Fifty-fourth Judicial District of Texas, thirty days' leave of absence from the State.

Whereas, the Hon. Sam R. Scott, judge of the Fifty-fourth Judicial District of Texas, has important business outside of the State demanding his personal attention.

Therefore, be it resolved by the House of Representatives of the Twenty-sixth Legislature, the Senate concurring, that the said Sam R. Scott, judge as aforesaid, be and is hereby permitted to go beyond the limits of the State of Texas for a period of thirty days, at any time from July 15, to September 15, 1899.

Approved May 29, 1899.

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#### OLD COURT HOUSE SQUARE—LEASE.

##### HOUSE CONCURRENT RESOLUTION No. 35.

Whereas, the Superintendent of Public Buildings and Grounds has executed leases to the Austin Dam & Suburban Railway Company and the Bachman Foundry and Machine Co., of all that portion of the State's property, located in Austin, Texas, known as the "Old Court House

Square," for a period of five years, ending June 1, 1902, at a yearly rental of \$300; and,

Whereas, the said lessees desire to make extensive improvements on said property and will do so in case they can secure an extension of the lease period as herein provided; and,

Whereas, it is to the interest of the State to extend said lease period in order to obtain a definite and lasting use of this property for a long term at an advance of \$100.00 per annum over the rental now paid and at the same time obtain the improvement of the property, which is at present in a most deplorable dilapidated condition, and which is so situated as to be useful to those only who will utilize it for foundry and machine shops and other work of this kind.

Now, therefore, be it resolved by the House of Representatives of the State of Texas, the Senate concurring, that the Superintendent of Public Buildings and Grounds be and he is hereby empowered and directed to cancel and amend the lease contracts now in force between the State of Texas, and the above named lessees upon their surrender by said lessees for this purpose, and in their stead to execute and deliver to said Austin Dam & Suburban Railway Company and Bachman Foundry and Machine Company lease contracts for the property herein named upon the terms herein stated for a period of ten years from date.

Approved June 5, 1899.

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UNIVERSITY FOR COLORED RACE—GOOD FAITH OF  
DEMOCRATIC PARTY OF TEXAS.

HOUSE CONCURRENT RESOLUTION No. 26.

Whereas, the people of Texas are pledged by constitutional provision to establish a university for the colored race whenever it is practicable; and,

Whereas, the democratic party has acknowledged the necessity for said university through its platform adopted at Fort Worth, 1896; and,

Whereas, the democratic party in the Twenty-fifth Legislature carried out in good faith the demands of said Fort Worth platform by appropriating and setting apart one hundred thousand acres of the public domain for the establishment of said university for the colored race; and,

Whereas, the Supreme Court of Texas has nullified the action of the Legislature setting apart said lands by its decision in declaring that Texas has no public domain unappropriated; and,

Whereas, the democratic party made this demand in good faith in appropriating and setting apart said land, and the Twenty-fifth Legislature acted in good faith by setting apart and appropriating said land; and,

Whereas, the Legislature is prohibited by the Constitution (Article 7, Section 14), from levying any tax or making any appropriation of the general revenues to establish said university; therefore, be it resolved by the House of Representatives, the Senate concurring, that it is the duty of the State, as well as the expressed will of the democratic party, to faith-

fully carry out this obligation, which was voluntarily taken by our party, in convention assembled.

Resolved further, that so soon as the commission appointed to investigate and ascertain the exact status of the public domain and of the public free school lands of Texas shall make report to the Governor the amount of said land still belonging to the State, that steps shall be taken to establish said university for the colored race, either by appropriating public domain, if there is any public domain, or by appropriating lands regained to the State from railway corporations that have refused to comply with their charter grants or to obey the laws of Texas.

Approved June 5, 1899.

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### CONVENTION FOR PROPOSING AMENDMENTS TO CONSTITUTION OF UNITED STATES.

S. C. R. No. 4.]

#### CONCURRENT RESOLUTION.

Whereas, the Constitution of the United States of America provided that Congress, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments to said Constitution;

Therefore, we, the Senate of the State of Texas, the House of Representatives of the State of Texas concurring, do hereby petition and request the Congress of the United States of America to call a convention for proposing amendments to said Constitution as soon as the Legislatures of two-thirds of the several States of the United States of America shall concur in this resolution by applying to Congress to call said convention.

Be it further resolved, that the Secretary of State be and is hereby directed to send a copy of this resolution to the Congressmen from Texas, and to the Governor of each State at once, and to the Legislatures of the several States as they convene, with a request of them to concur with us in this resolution.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, vote not given; and passed the House of Representatives, vote not given.]

Approved June 5, 1899.

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### IRRIGATING—AMENDING ARTICLE 8 BY ADDING SECTION 20.

H. J. R. No. 35.]

#### JOINT RESOLUTION.

Amending Article 8, of the Constitution of the State of Texas, by adding thereto Section 20, providing for the organization of irrigation districts, and for the levying and collection of a tax for the construction of reservoirs, dams and canals.

*Be it resolved by the Legislature of the State of Texas:*

That Article 8, of the Constitution of the State of Texas, be amended by adding thereto Section 20, as follows:

Section 20. In addition to the powers of taxation granted in the

foregoing sections, it shall be lawful for the Legislature of Texas to authorize the land owners of the counties of Archer, Baylor, Clay, Wichita and Knox to organize irrigation districts in said counties without regard to county lines.

In making provisions for the cost of construction of irrigation works within said territory, it shall be lawful to levy taxes and create an indebtedness to rest as a charge on and be secured by a lien on the irrigable land for the use and benefit of which said irrigation works have been or may be constructed.

The Legislature may authorize such taxes and indebtedness as may be necessary to construct irrigation works within said territory, but no taxes shall be levied nor indebtedness created in any district until authorized by a two-thirds vote of the resident land owners therein whose lands are susceptible of irrigation from the proposed works.

The Governor is hereby directed to issue the necessary proclamation for submitting this amendment to the qualified voters of Texas, on the first Tuesday after the first Monday in November, 1900, at which election all voters favoring the amendment shall have written or printed on their tickets "For amending Article 8, of the Constitution of Texas, so as to permit the formation of irrigation districts in Archer, Baylor, Clay, Wichita and Knox counties," and those opposed to said amendment shall have written or printed on their tickets "Against amending Article 8, of the Constitution of Texas, so as to permit the formation of irrigation districts in Archer, Baylor, Clay, Wichita and Knox counties."

[NOTE.—The foregoing joint resolution passed the House by a two-thirds vote, yeas 98, nays 4; and passed the Senate by a two-thirds vote, yeas 22, nays 0.]

[NOTE.—The foregoing joint resolution was presented to the Governor of Texas for his approval on the seventeenth day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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## CERTIFICATE.

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### THE STATE OF TEXAS, DEPARTMENT OF STATE.

I, D. H. Hardy, Secretary of State of the State of Texas, do hereby certify that the foregoing laws and resolutions, passed at the regular session of the Twenty-sixth Legislature, have been carefully examined and compared by me with the original enrolled bills now on file in this department, and are true copies of said original enrolled bills.

I do hereby further certify that the Twenty-sixth Legislature convened in the city of Austin on the tenth day of January, A. D. 1899, and adjourned on the twenty-seventh day of May, A. D. 1899.

[SEAL.] In testimony whereof, I have hereto subscribed my name, and have hereto affixed the seal of the State of Texas, in the city of Austin, this seventh day of July, A. D. 1899.

D. H. HARDY,  
Secretary of State.



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**SPECIAL LAWS**  
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**THE STATE OF TEXAS**  
**PASSED AT**  
**THE REGULAR SESSION**  
**OF THE**  
**TWENTY-SIXTH LEGISLATURE**  
**CONVENED AT THE**  
**CITY OF AUSTIN, JANUARY 10, 1899,**  
**AND**  
**ADJOURNED MAY 27, 1899.**



**D. H. HARDY, SECRETARY OF STATE.**

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# SPECIAL LAWS OF TEXAS.

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## FRANCO-TEXAN LAND COMPANY.

S. B. No. 149.]

### CHAPTER I.

An Act to be entitled an act to extend the time until the first day of January, 1902, in which the affairs of the Franco-Texan Land Company, a defunct private corporation, may be administered and wound up in the district court of Parker county, Texas, in cause No. 3305, now pending in said court.

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas:* That the time for administering and winding up the affairs of the Franco-Texan Land Company, a defunct private corporation, whose affairs are now being administered in the district court of Parker county, Texas, by receivership, in cause No. 3305, now pending in said court, be and the same is hereby extended until the first day of January, 1902.

**SEC. 2.** It appearing that the time for administering the affairs of the Franco-Texan Land Company under the laws of the State of Texas will soon expire, and there being large tracts of lands and many notes and contracts in the hands of the receiver, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 92, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-eighth day of February, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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## AUSTIN—GRANTING IT A NEW CHARTER.

H. B. No. 223.]

### CHAPTER II.

An Act to incorporate the city of Austin; to grant it a new charter, and to fix its boundaries.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** That the inhabitants of the city of Austin, in Travis county, and State of Texas, residing within the territory herein described, shall continue to be and are hereby constituted a body politic and corporate by the name and style of the city of Austin, and by that name shall

have perpetual succession, and shall have all the rights, property, real, personal and mixed, immunities, powers, privileges and franchises now possessed and enjoyed by said city or herein granted, and be subject to all its present liabilities, and may have a common seal and alter the same at pleasure, and may sue or be sued, plead or be impleaded in all courts of law and equity; may contract and be contracted with; may take hold and convey lease, or acquire or dispose of any property whatever, for corporate purposes within the city limits; provided, that the city shall not have power to dispose of any part of the water and light system of the city of Austin; the dam across the Colorado river, owned by the city, or any property now owned or used, or which may hereafter be owned or used as a part of said system, and which may be necessary or incident to the operation thereof.

SEC. 2. The boundaries of the city shall be as follows: Beginning on the bank of the Colorado river, at the southwest corner of out lot No. 64, in Division O, thence northerly in a straight line to the northwest corner of out lot No. 16 in Division C, being the northeast corner of the Wells tract of land northeast of the old fair grounds tract; thence northwesterly with the northeast line of said Wells tract and the State Lunatic Asylum grounds, and the north boundary of out lot 83, Division D; thence southwesterly in a straight line to within ten varas of the Colorado river's ordinary water level (above the dam constructed and completed across said river), due west of Cypress Springs, as said level has been determined by a line surveyed and marked under the direction of the city authorities; thence up the east bank of the Colorado river, within ten varas of said line so surveyed, twenty-one miles, by following the river; thence across said river at right angles a distance of ten varas from said water level line surveyed and marked on the west side of said river; thence down the Colorado river, within ten varas of said surveyed line, to a point 1440 varas above the upstream face of said dam, as already constructed; thence north  $75^{\circ}$  west, 1152 varas; thence due south 1555 varas; thence north  $87^{\circ}$  and 30 minutes, east 556 varas, more or less, to the Colorado river, one hundred yards below the lower part of the site of the dam; thence down the west bank of the Colorado river with its meanders to the mouth of Barton's creek; thence up Barton's creek on the west side thereof to a point due west of where the west line of the Isaac Decker league prolonged in its course northerly would intersect Barton's creek; thence easterly across Barton's creek to the western boundary line of said Decker league; thence southwesterly with the western boundary line of said Decker league to the southwest corner of lot No. 34 in Bradley's subdivision of the Goodrich estate on said Decker league, being also the northwest corner of the D. P. Finney tract on said Decker league; thence to the southwest corner of the H. J. Doughty tract on said Isaac Decker league; thence easterly in a straight line to the northeast corner of Mrs. E. V. Blum's 213 acre tract, being the southeast corner of the subdivision known as Southside; thence in a northerly direction with the east boundary line of said subdivision and the east boundary line of the John D. McCall and D. C. Stone tracts to the center of the channel of the Colorado river; thence down said river in a straight line to the place of beginning.

SEC. 3. The city of Austin shall be divided into seven wards.



The First ward shall embrace all the territory of the city of Austin south of the center of the Colorado river.

The Second ward shall embrace all of the following territory: Beginning at a point in the center of the bridge over the Colorado river and extension of Congress avenue, and running north with the line in the center of said Congress avenue to a point in the center of Seventh street; thence west with a line in the center of Seventh street to a point in the center of West avenue; thence south with a line in the center of West avenue to a point in the center of West Sixth street; thence west, with a line in the center of West Sixth street to a point in the center of Blanco street; thence north, with a line in the center of Blanco street, to a point in the center of West Ninth street; thence west, with a line in the center of West Ninth street to a point in the center of West Lynn street; thence north, with a line in the center of West Lynn street to a point due east of the northeast corner of the Texas Confederate Home property; thence due west to said corner of said property; thence with the north boundary line of said property to its northwest corner; thence south with the west boundary line of said property to a point in the center of West Sixth street; thence west with the center of West Sixth street and of the boulevard continuation thereof to a point opposite the dam; thence west to the center of the dam; thence down the center of the Colorado river with its meanders to the beginning point in the center of said bridge over the Colorado river.

The Third ward shall embrace the following territory: Beginning at a point in the center of Congress avenue at its intersection with Seventh street; thence north with a line in the center of Congress avenue to a point in the center of Nineteenth street; thence east with a line in the center of Nineteenth street to a point in the center of Lampasas street; thence north with a line in the center of Lampasas street to a point in the center of Twenty-first street; thence west with a line in the center of Twenty-first street to the center of Rio Grande street; thence south with a line in the center of Rio Grande street to the center of Nineteenth street; thence west with a line in the center of Nineteenth street to the center of Shoal creek; thence up said creek with its meanders to the southeast corner of the J. W. Harris one hundred and seventy-five and three-fourths acre tract; thence with the south boundary line of said tract to the line of the International & Great Northern Railroad track; thence north with said railroad track to the boundary line of the city; thence southwest with said boundary line to Cypress Springs; thence west to the center of the lake; thence south with a line in the center of the lake to a point in the center of the dam; thence east with the north line of the Second ward to the place of beginning.

The Fourth ward shall embrace the following territory: Beginning at a point in the center of Lampasas street, at its intersection with Nineteenth street; thence east with a line in the center of Nineteenth street to a point in the center of East avenue; thence north with a line in the center of East avenue and its continuation, the Cameron road, to the boundary line of the city; thence northwest with the boundary line of the city to the northeast corner of the city boundaries; thence west with the north boundary line of the city to the northwest corner of the boundaries of the city; thence southwest with the boundaries of the city to the

line of the International & Great Northern Railroad Co.; thence with the north boundary line of the Third ward to the place of beginning.

The Fifth ward shall embrace the following territory: Beginning at a point in the center of Congress avenue at the intersection of Twelfth street; thence east with a line in the center of Twelfth street to the center of East avenue; thence south with a line in the center of East avenue to a point in the center of East Eleventh street; thence east with a line in the center of said East Eleventh street, and its continuation, Chincapin street, to the east boundary line of the city; thence north with said east boundary line to a point in the center of the Cameron road, the intersection of the east boundary line of the Fourth ward, to a point in the center of Nineteenth street; thence west with a line in the center of Nineteenth street to a point in the center of Congress avenue; thence south with a line in the center of Congress avenue to the place of beginning.

The Sixth ward shall embrace the following territory: Beginning at a point in the center of Congress avenue at the intersection of Sixth street; thence east with a line in the center of Sixth street to a point in the center of East avenue; thence south with the center of said East avenue to its intersection with the line of the Houston & Texas Central Railroad; thence with said railroad to the east boundary line of the city; thence north with the said east boundary line of the city to the southeast corner of the Fifth ward; thence west with the south boundary line of the Fifth ward to a point in the center of Congress avenue; thence south with a line in the center of Congress avenue to the place of beginning.

The Seventh ward shall embrace the following territory: Beginning at a point in the center of Congress avenue at the intersection of Sixth street; thence south with a line in the center of Congress avenue and the bridge over the Colorado river, a continuation of Congress avenue, to a point in the center of said bridge; thence down the center of the channel of said river with its meanders to the boundary line of the city, the northeast corner of the First ward; thence northeast with the boundary line of the city to the southwest corner of out lot No. 64, Division O; thence with the boundary line of the city to the southeast corner of the Sixth ward; thence with the south boundary line of the Sixth ward to place of beginning; provided, that for the purpose of establishing voting places for the first election held under this act, the council shall be authorized to respect the ward lines established by the ordinances of the city of Austin, in force at the time of the adoption of this act.

#### ORGANIZATION AND PROCEDURE OF THE CITY COUNCIL.

SEC. 4. The city council shall consist of a mayor and a board of aldermen, who shall hold their offices for a term of two years from their installment, and until their successors are elected and qualified.

SEC. 5. The board of aldermen shall consist of seven members, one to be a resident of and elected from each ward, by the qualified voters of the entire city. They shall possess the qualifications required by this charter for the mayor, and shall serve without compensation.

SEC. 6. That if any alderman shall, after his election, remove from the ward from which he is chosen, his office shall thereupon become vacant.

SEC. 7. The city council shall be the judge of the election and qualifi-

cation of its members and all other city officers, and shall determine contested elections of all city officers made elective under this act, in such manner as may be provided by ordinance; provided, that no city officer shall be allowed to qualify, or requalify if he succeeds himself in office, until at a session of the city council to be held on or after the Saturday next succeeding the election, which shall in all cases occur on Monday, unless his opponent in the election, or all opponents, if more than one, shall sooner file a statement with the city clerk, that he or they will not contest the election of his or their opponent, naming him.

If, prior to the time of installing newly elected officers, a contest of his election is filed in writing with the city clerk, stating the grounds for the contest, he shall not be installed until such contest is determined. Provided, that all contested elections shall be decided within fifteen days from the date of election. The city council shall prescribe rules of procedure in cases of contest.

SEC. 8. That a majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members by arrest, or in such manner, and under such further penalties as they may prescribe.

SEC. 9. The city council may determine the rules of its proceedings, punish its members for a willful violation of its rules or other disorderly behavior, and with the consent of two-thirds of its members elected, expel an alderman, but not a second time for the same offense.

SEC. 10. The city council shall keep a journal of its proceedings, and whenever the council may so direct, the same, or synopsis thereof, may be published in some newspaper published in the city; but such proceedings shall not be published unless it be by the direction of the city council, and any alderman shall have the right to have the yeas and nays of the members recorded in the journal of its proceedings upon any question voted upon by such members.

SEC. 11. That upon the passage of ordinances appropriating money, imposing taxes, increasing, lessening or abolishing licenses, and of ordinances for borrowing money, the yeas and nays shall be entered on the journal, but no ordinance for borrowing money shall pass, except by a vote of two-thirds of the whole council.

SEC. 12. That all ordinances and resolutions of a general character, shall be read in the council on three separate days, unless two-thirds of the council elected shall dispense therewith.

SEC. 13. That a majority of the members of the whole council shall be necessary to pass an ordinance for any purpose appropriating the sum of five hundred dollars or upwards, or for passing an ordinance in any wise diminishing or increasing the city revenues.

SEC. 14. That no city officer shall, during the term for which he is elected, hold or be eligible to any other office under the city, nor shall he, during his term of office, be interested, directly or indirectly, in any contract or agreement for work to be done, or material furnished or service to be performed, for which the city, directly or through any board or commission exercising authority on behalf of the city, is to pay a consideration, or in the purchase or sale of any property by the city for any purpose whatever; and for the violation of any part of this section, the penalty shall be expulsion from office, on an affirmative vote of two-thirds of the whole board of aldermen; provided, that members of the Water,

Light and Power Commission, and Board of School Trustees, shall be deemed city officers within the meaning of this section, as shall also all members of all other boards created by or under this act.

SEC. 15. That all vacancies, except by expiration of term of office, shall be filled in such manner as may be provided for by an ordinance.

Each alderman shall, before entering upon the duties of his office, take the oath prescribed by the Constitution of the State of Texas, and that he will faithfully discharge the duties of his office.

SEC. 16. That at the first meeting of the city council after each general election and after contests of election, if any there be, are disposed of, the council shall elect one of their members president of the board of aldermen, who shall hold his office for two years from the date of his election, and until his successor is elected and qualified.

SEC. 17. That the president of the board of aldermen, in case of the absence of the mayor from a session of the council, act as presiding officer of the council.

SEC. 18. That in case of the death, resignation, or inability to act, or absence of the mayor from the city, the president of the council shall perform all the duties of the mayor.

SEC. 19. That in the absence of the mayor and the president of the council, any alderman may be elected, by the members present, to preside, who shall exercise all the rights of the president of the council in such cases.

SEC. 20. That the president of the board of aldermen shall vote only as an alderman.

SEC. 21. There shall be a regular meeting of the city council at least once a month, and such special meetings as the mayor and any three aldermen may deem necessary.

SEC. 22. That calls for special meetings shall state the nature of the business to be transacted at the meeting, and shall be read to each alderman to be found in the city, or if any alderman is out of the city, a copy thereof left at the place of business of such alderman as may not be seen in person, by the policemen of the city of Austin serving the notice, who shall report in writing to the council at the hour set for the meeting, whom he has served, and how he has served such notice, and the reason for not serving each alderman in person.

If it shall appear that two-thirds of the aldermen have been served personally, the council may proceed to transact the business mentioned in the call, as if all the aldermen had been personally notified of the meeting.

The said notice, and the return of the officer, shall be recorded in the minutes of the meeting of the council, and shall be evidence of the nature of the call, and the service of the notice thereof.

SEC. 23. That all ordinances and resolutions of a general character adopted by the city council, and all acts of the council, authorizing or making any contracts, grants or concessions, whether such act be had or passed in response to petition or proposition or in any manner whatsoever, and irrespective of form of such act, shall be subject to the veto of the mayor.

SEC. 24. The mayor may veto any one or more of the items in an appropriation ordinance, and approve the remainder.

SEC. 25. That all ordinances, resolutions, and acts of the council,

together with such papers as may pertain thereto, shall be placed in the office of the city clerk, and if the mayor approve thereof, he shall endorse the same "Approved" and sign his name to such endorsement, and thereupon such ordinances, resolutions and acts shall go into effect.

SEC. 26. That if the mayor shall fail to approve any such ordinance, resolution or act for a longer period than ten days after it shall be placed in the office of the city clerk, it shall go into effect, unless he shall have, within the said period, signified his disapproval thereof, or of items of an appropriation ordinance, by written objections there filed with the city clerk for the consideration of the city council.

SEC. 27. That the veto by which any ordinance, resolution or act so disapproved by the mayor was passed, shall be reconsidered by the city council either at the next regular meeting thereof, held after such disapproval is filed in the clerk's office, or at any special meeting called earlier, for that purpose; and if after such reconsideration, two-thirds of the aldermen elected agree to pass such ordinance, resolution or act, in items of an appropriation ordinance, it shall be in force, but not otherwise.

SEC. 28. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of Austin."

SEC. 29. That every ordinance imposing a penalty, fine, imprisonment or forfeiture, for violation of the provisions, shall, after the passage thereof, be published in every issue of a daily paper published in said city for ten days, and shall not take effect until such publication has been completed. The city clerk shall note on such ordinances as are required to be published the fact that the same have been published as required by the charter, and the date of such publication, which shall be prima facie evidence of such publication; provided, that the provisions of this section shall not apply to revision and codification of the ordinances of the city, as the council may from time to time adopt.

SEC. 30. All ordinances and resolutions shall take effect on being approved by the mayor, or on the termination of the time allowed for vetoing ordinances, without being vetoed, unless another time for taking effect be fixed for the ordinance or resolution.

SEC. 31. That in case of a tie vote by the council, the mayor shall have the casting vote.

#### GENERAL POWERS OF THE CITY COUNCIL.

SEC. 32. The city council shall have the care, management and control of the city and its property and finances, except as may be herein otherwise specially provided for, and shall have the power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of the State, and such ordinances to alter, modify or repeal.

SEC. 33. The city council shall have the power within the city by ordinance to levy and collect an annual tax of not exceeding for all purposes, including taxes levied for the support of public schools, two and one-half per cent. of property values within the said city, and such taxes shall be levied at its first regular meeting in May of each and every year, as follows:

1. An annual tax of not exceeding one per cent. on all property within the limits of the said city made taxable by law for State and county pur-

poses, the money raised by said taxes to be used for current expenses, and for general improvement of the city or its property, and at least one-fourth thereof shall be set apart and devoted to the improvement of streets and building of bridges within the city.

2. To raise such further amount as may be necessary to pay interest and two per cent. sinking fund annually on all bonded debts of the city.

The city treasurer shall keep the interest fund and sinking fund separately, and shall honor no draft on the interest fund except to pay the interest on such bonds, and shall honor no draft on said sinking fund except to redeem such bonds or to purchase interest-bearing bonds of the United States or the State of Texas, or the city of Austin, as hereinafter provided.

3. To raise money on the credit of the city for a special and definite purpose by issuing bonds of the city or otherwise; provided, the bonded debt of the city shall only be increased by a special act of the Legislature, or by consent of two-thirds of the qualified voters in said city, who pay taxes on property, real or personal, in said city.

All persons owning property, real or personal, subject to taxation in the said city on the first day of January next preceding any election that may be held to obtain such consent shall be deemed to be persons who pay taxes on property in said city. Such election shall be ordered by the city council, and notice thereof shall be given for at least thirty days, by the mayor, in such manner as may be prescribed by the city council; provided, that whatever power the city council may have possessed or acquired under the charter in force in said city prior to the passage of this act, through any election held under said charter to increase the indebtedness of said city, is hereby continued and perpetuated in said council, and may be exercised under this act with the same effect that such power might have been exercised under said charter, if this act had not been passed, and to no further extent and with no further force or effect under this act than might have been done without the passage of this act; provided, that lands within the limits of the city which have not been laid off into blocks and lots shall not be assessed for taxes otherwise than by the acre, and shall continue to be so assessed and taxed until laid off into lots and blocks by the owners thereof, and the owners of such lands in laying off the same into lots and blocks shall so arrange the streets that they shall correspond as nearly as practicable with previously established streets of the city.

SEC. 34. That all such bonds shall specify for what purpose they were issued. Provision shall be made to pay the interest, and not less than two per cent. annually of the principal to redeem or pay the bonds.

SEC. 35. Neither the money for which such bonds may be sold nor the money raised to pay the interest and sinking fund thereof shall be diverted to any other purposes, and the city treasurer shall not honor any draft drawn on said interest and sinking fund except to pay the interest on said bonds or to redeem the same, except as hereinafter provided.

SEC. 36. Whenever the accumulated sinking fund upon any issue of bonds shall amount to as much as one thousand dollars, the same shall be applied at once to the discharge of a like amount of said bonds, and should the city not be entitled to redeem any of such series, and the holders be unwilling to surrender the same, said funds shall be invested in other valid interest-bearing bonds of the city of Austin, or of the

United States, or of the State of Texas, as the council may determine, and when so invested the bonds purchased and the interest thereon shall be held as a trust for the particular fund from which the money was taken, and shall not be sold or otherwise used except for the purpose of retiring the original bonds for whose use the fund was created.

SEC. 37. The city council shall have authority to fund any part of its existing valid bonded indebtedness when the same becomes due at the same or lower rate of interest, and for the purpose of exercising the option reserved to pay the same before maturity may issue new bonds bearing a lower rate of interest and exchange the same for existing bonds, or sell the same as the council may determine.

SEC. 38. The city council shall have power by ordinance to regulate the manner and mode of making out tax lists, inventories and appraisements of property for taxation, and to prescribe the oath that shall be administered to each person on such rendition of his property, and to prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls, and fix the duties and to define the powers of the city assessor and collector, and adopt such measures as the council may deem advisable to secure the assessment of all property subject to taxation within the city, and to collect the taxes due thereon; and may by ordinance provide that any person, firm or agent in control having property subject to taxation or being liable for any tax under the provisions of this charter, and neglecting, failing or refusing to render a list, inventory and appraisal thereof, or failing or refusing to make oath thereto, as required by the ordinance of said city, shall be liable to fine and imprisonment or either, as may be prescribed.

SEC. 39. There shall be a board of equalization composed of three resident freeholders of the city of Austin, who shall be appointed by the mayor and confirmed by the city council after each election in said city, each of whom shall take the oath of office prescribed by the Constitution of the State of Texas, who shall hold their office for the term of two years from their appointment and qualification. They shall receive such compensation as may be allowed by the city council. Said board shall have power, and it shall be the duty of said board, to equalize the taxable values of property, real and personal, within the city of Austin, and in the exercise of this power it may raise or lower the valuation at which property may be assessed or rendered to the assessor, or assessed by him with or without being rendered for taxes. And it shall further be the duty of said board, if it shall have reason to believe from information gained by its members from the assessor of taxes, or from other sources, that any person residing within the city, has failed or refused to render for taxation any personal property owned by him and subject to taxation under the laws of the State, or has refused to give information concerning such property so that the same may be assessed by the assessor of taxes, to have such person brought before it and interrogated under oath, as to such property.

And said board shall have full power to enforce the attendance of all witnesses necessary, and any member thereof shall have the power to administer oaths to such witnesses, and to punish them for failure or refusal to answer any question pertinent to the inquiry. And if the said board should discover any property not rendered for taxation to the city assessor of taxes, it shall have the power, and it shall be its duty to direct

the assessor of taxes to list the same for taxation, in like manner and with like effect as if it had been originally rendered for taxation by the owner thereof. After said board shall have passed upon and equalized the values of property assessed by the assessor originally and upon suggestion of the board, the board of equalization shall give notice that it has made changes in the valuation at which property has been assessed for taxes, and caused additional property to be assessed and valued for taxation, by publication in a daily newspaper published in the city of Austin for three successive days. Said notice shall be sufficient if it state that the board has held a session and made changes in the assessments and valuations of property, affecting certain persons, whose names shall be given, without describing the property affected, or stating the nature of the changes made, but referring the persons whose names shall be given, to the office of the assessor and collector of taxes for details as to the changes, a record of which shall be left by said board on deposit with said assessor, subject to inspection by the public. The notice shall also state that a further session of the board will be held at a place, and to begin at a time named in the notice, and continue for a certain number of days, or longer, when complaints as to renditions and valuations will be heard, and that such corrections will be made as may be, in the opinion of the board, just and proper; such session shall commence not earlier than one week after such notice shall have been published; such other notices may be given as the board or city council may prescribe, but the failure to give such other notice shall in no manner affect the validity of the assessment or equalization thereof. And any person who feels himself aggrieved by the action of the said board in fixing the values upon his property, shall have the right to appeal therefrom to the city council, by giving notice of appeal within five days after the values have been so fixed by said board, and the city council shall have the power to hear and determine such questions of appeal, and to take such action with reference thereto, as to them may seem proper and just, and its action shall be final. The city council shall by ordinance prescribe the rules to govern the said board of equalization and the trial of appeals therefrom.

SEC. 40. The city council shall have full power and authority to provide by ordinance for the seizure and sale by the city assessor and collector of a sufficient amount of personal property of any delinquent tax-payer to pay all taxes due by such delinquent to the city, together with all interest, penalties and costs, which seizure and sale shall be made without the necessity of any writ, and by virtue of the tax rolls of said city, which shall be sufficient warrant for said purpose, and such sale shall be conducted, and notice given in the same manner as now provided by law for sale of personal property by county tax collectors, and at such sale the purchaser shall acquire absolute title to the property sold.

SEC. 41. That the city council shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales by the assessor and collector of property upon which taxes may be unpaid, and to provide for the perpetuation of all proceedings with reference to such advertisements and sales and for execution of title to purchasers of property at tax sales, and to pass all ordinances necessary to enforce the collection of taxes; provided, that such ordinances shall allow any person whose real property has been sold for taxes, at least two years from the date of the collector's deed to redeem the same by paying double the amount paid



for same; provided further, that any such proceedings so perpetuated shall be received in evidence in any court when the title so conferred by the collector shall be called in question.

SEC. 42. All taxes due the city of Austin shall be payable at the office of the city assessor and collector, and may be paid at any time after the tax rolls for the year have been completed and approved, and no demand shall be required to be made upon any taxpayer, whose duty it shall be to attend at the collector's office and pay the same as aforesaid. All taxes levied and now uncollected for the year 1898, shall be paid by July 1, 1899, or thereafter bear interest at the rate of six per cent. per annum, and all taxes hereafter to be levied for the year 1899, and subsequent years, shall be paid by the first day of April of the year succeeding the levy, and when not so paid by April 1st, shall thereafter bear interest at the rate of six per cent. per annum, and in addition, the city council may provide by ordinance, that there shall be collected an additional five per cent. upon the amount of such taxes as a penalty against the person, firm or corporation failing, neglecting or refusing to pay such taxes by the time when the same begins to bear interest as aforesaid, which penalty shall be collected by seizure and sale of property of the delinquent, or by suit, the same as herein provided for the collection of taxes.

SEC. 43. All property of railroad companies, of whatever description, lying or being within the city of Austin on the first day of January of each year, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered for taxation for any year, the same shall be assessed and taxes collected thereon in the same manner as herein provided for other unrendered property of previous years.

SEC. 44. The annual assessment of taxes made by the city of Austin upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; provided, that the homestead of such delinquent shall only be liable for the taxes due thereon.

SEC. 45. If it comes to the knowledge of the city assessor and collector at any time after the levy of taxes for the year, that any personal property subject to taxation in the city, is about to be removed from the city, and the owner of such property has not other tangible property in the city sufficient to satisfy all assessments against him, the assessor and collector shall, if said property has not been assessed, proceed at once to assess the same, and he shall thereupon levy upon a sufficiency of such property to satisfy such taxes, and all costs, and sell the same as provided in the preceding section, and the ordinance levying taxes for the year, and the assessment made upon such property shall be sufficient warrant for so doing, and to vest perfect title in the purchaser.

SEC. 46. All real and personal property in the city of Austin upon the first day of January of each year, and subject to taxation by said city, shall stand charged with a special lien in favor of the city for all taxes levied against the owner thereof during the year, superior to all mortgages and other liens thereon except the liens for State and county taxes, and all persons purchasing the same after the first day of January of any year, shall take the same subject to such lien, and the city may intervene in any suit for the foreclosure of any other lien and assert its right, or may

institute an independent suit, and make all mortgages and lien holders and subsequent purchasers parties, for the purpose of enforcing its lien or recovering personal judgment for the conversion of the security here given it for the collection of its taxes, and said city shall be authorized, and it is here made the duty of the city assessor and collector to file the proper statement of its taxes in any court of bankruptcy administering the estate of any bankrupt taxpayer.

SEC. 47. The city of Austin shall be authorized, and it is here given the right, to institute suit in any court in Travis county having jurisdiction under the Constitution and laws of the State, at any time after taxes become due and are delinquent, as herein provided, and recover personal judgment for the amount of taxes remaining unpaid by any person, firm or corporation, together with all interest, penalties and costs, and if any part of any such delinquent tax shall be due upon any landed property the city shall have the right, in the same, or any subsequent suit, to have its lien thereon foreclosed, and such property sold, as provided by law in the foreclosure and sale of property under mortgage or other lien; provided, that in all cases where lands are sold the owner shall have the right, within two years of the day of sale to redeem his land from the purchaser under such judgment upon the payment of double the amount of money paid for the land, and failing so to do, the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption shall constitute part of the judgment and deed made the purchaser in such cases, and need not be inserted therein.

SEC. 48. In all suits for the foreclosure of a lien upon lands or lots by said city, if the defendants, or any of them, be alleged to reside in any other county of the State of Texas, it shall not be necessary to serve such person with a copy of the petition; and service of citation shall be made by delivering a copy thereof in the manner provided by law for service of citation upon persons residing in the county where suit is brought, and if the defendants or any of them are alleged to be non-resident of the State, or if it be alleged that the residence of such defendant is unknown, or that the owner or owners of said lands or lots are unknown and the city assessor and collector shall make oath to that effect, at the time of the filing of the petition, or at any time subsequent thereto, the clerk of the court shall thereupon issue notice in substantially the following form:

"The State of Texas.—To the owner and owners and all persons claiming any interest in the lands hereinafter described. You are hereby notified that the city of Austin filed suit in the district court of Travis county, Texas, (.....District), on the.....day of.....A. D. ...., No....., claiming that taxes, interest and penalties are due it by you upon the following described land situated in said city, as follows, viz.: (Here set out description of the land as contained in the petition and state the aggregate amount claimed against each tract for each year.) You are therefore commanded to appear and answer in said court at the next regular term to be held at the court house of said county in the city of Austin, beginning on the.....day of.....A. D. ...., and show cause why judgment shall not be rendered condemning said lands, and ordering foreclosure and sale thereof for said taxes, interest, penalties and cost of suit."

Which said notice shall be dated and signed by the clerk with the

seal of the court, as other writs, and shall be delivered to the sheriff, and executed by causing the same to be published in some newspaper published in the city of Austin once a week for four successive weeks prior to the return day thereof. Publication of said notice shall be shown by the return of the sheriff, or his deputy, endorsed or attached thereto, which shall show when the same was executed and the manner thereof, specifying the dates of such publication, and shall be accompanied by a printed copy of such publication, and shall be signed by him officially.

SEC. 49. In case of service of notice by publication as provided in the preceding section, the case shall stand for trial at the second term of the court. The suit shall be held in all respects to be a proceeding *in rem* and the court shall hear proof and enter judgment in favor of the city of Austin against each parcel of land for the amount of the tax, interest, penalty and costs legally chargeable against the same, and shall foreclose the lien of the city thereon and condemn the land to be sold as under execution for the purpose of satisfying such judgment; provided, that for the purpose of foreclosing the lien of the city on all lands and lots where the owner or owners thereof are alleged to be unknown, it shall be necessary to institute a separate suit against each piece of property, and all such property may be embraced in one suit, and judgment entered against each parcel and condemning the same to be sold as aforesaid; and provided further, that in all cases where lands are sold under judgment based upon service by publication the owner shall have the right within two years from the day of sale to redeem his land from the purchaser under such judgment, upon the payment of double the amount of money paid for the land, and failing so to do, the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption here given shall constitute a part of the judgment and deed made the purchaser in such case, and need not be inserted therein.

SEC. 50. It shall be competent in all cases to supplement the description contained in the assessment rolls with full proof of the identity of lot, tract or parcel of land therein assessed, and in suits to enforce collection of taxes by the city, such additional matters may be inserted in the petition, and reference may be made to any map, plat or survey of said city, or of any addition or subdivision made thereto, or to any deed, decree or other instrument describing the same, which may be on file or of record in the General Land Office of Texas, or in the office of the district or county court of Travis county, and such reference shall constitute part of such petition, and all proceedings had in said suit.

SEC. 51. When any property, real or personal, is sold to enforce the collection of taxes, the city of Austin shall not become the purchaser thereof, unless no one else is present who will purchase the same and pay the full amount due the city, including all costs and penalties, and it is hereby made the duty of the mayor, or the person acting as such, to attend all sales and bid thereat for the city, and upon such sale the officer making the same shall execute to the city or other purchaser proper evidence of title, and to place the purchaser in possession as provided by law.

SEC. 52. All levies of ad valorem taxes heretofore made by the city of Austin and all assessments heretofore made and all assessment rolls heretofore made and placed in the hands of the city assessor and collector for collection are hereby validated, and the same shall be legal and bind-

ing regardless of any irregularity that may exist in the manner of making such levies and the making and returning of such assessment rolls; provided, that this section shall not be construed as an attempt to validate any penalty heretofore imposed or tax levied in excess of the amount which said city could levy under the Constitution; and provided further, that all the provisions of this section shall not be so construed as to affect the result of any suit filed by the city of Austin prior to the passage of this act.

SEC. 53. The action of the city of Austin in taking charge of public free schools within its limits by proceeding had in the month of August, A. D. 1880, is hereby validated, and said city is hereby constituted a separate and independent school district, under the Constitution and laws of the State.

The action taken in placing the control of the free schools and all property pertaining thereto, in a board of trustees is hereby confirmed, and all property, real and personal, heretofore acquired and now being administered by said board of trustees in connection with the management of said free schools, is hereby confirmed in said board, and all levies of taxes heretofore made for the support and maintenance of said public free schools in said city, and which remain uncollected, are hereby validated and declared legal and binding upon the persons and property subject to taxation in said city, and the city council shall continue to levy and collect the rate of special taxation adopted or which may be adopted by vote of the people for said purpose, and deliver the same to the said board of trustees, in accordance with the General Laws of the State, upon the subject.

SEC. 54. If the city assessor and collector shall discover any property, real or personal, which was subject to taxation for any year hereafter and which, from any cause, has escaped taxation, he shall require the same to be listed and assessed according to the rate of taxation levied for the year or years it was omitted, and enter the same as a supplement to his next roll, stating the year, and the taxes thereon shall be collected in the same manner as other assessments; provided, that such supplement roll may be made at any time, and reported to the city council for its approval; and any number of such rolls may be made that may be necessary. The taxes assessed upon such supplement rolls shall be due at once upon the approval of such rolls by the city council, and if not paid within sixty days thereafter, shall bear interest at the rate of six per cent. per annum, and may be collected by seizure and sale, or suit, as herein provided for the collection of other taxes.

SEC. 55. The city assessor shall list all property which for any cause has not been rendered to him for taxation in such form as may be prescribed by ordinance, and place such valuation thereon as he may deem just. If the owners of such property are unknown to the assessor he shall so state, and such assessment shall be sufficient warrant for the collection of taxes due upon said property by seizure and sale, or suit, as herein provided for the collection of taxes on other property.

SEC. 56. No taxes due the city of Austin shall ever be held to be barred by any statute of limitation and no irregularity in the time or manner of making the annual levy of taxes, or in making any inventory, list or appraisalment, or in making or returning the city assessment rolls, or the approval thereof, shall ever be held to invalidate any assessment,

and all taxes heretofore levied by the city council of said city, and which are unpaid, are hereby continued in force, and may be collected by seizure and sale of the property of the person owning the same, or by suit, as herein provided.

SEC. 57. In all suits for the collection of taxes which have been heretofore or which may be hereafter levied upon, the tax rolls of said city or a certified statement made therefrom by the assessor and collector, shall be *prima facie* evidence of the truth of all recitations and facts shown by said rolls, and shall be held to be sufficient proof (subject to rebuttal only by pleading and proof by defendant) of the following facts, viz.:

1. That the person, firm or corporation therein shown to be a taxpayer, was such, and owned the property therein listed, and that such property was subject to taxation in said city, and was rendered by such person, firm or corporation, or by his or its agent, at the value placed thereon in such roll.

2. That the taxes due upon such property were duly and legally levied for the purposes shown in such rolls, and that the same are valid and unpaid.

3. That all acts and proceedings required by law or by ordinance of said city, in the manner of rendering, appraising and fixing of values upon such property, and the giving of all notices to such tax-payer have each and all been performed and complied with at the time, and in the manner and form required, and that all things which might be construed as conditions precedent to the lawful demand upon such tax-payer to pay the amount of taxes in such rolls shown to be due by him or them, have been performed, at the time, and in the manner required by law. Provided, that in the event the defendant shall show that his property was voluntarily rendered by him, and that the valuation of the same was subsequently changed by the assessor or board of equalization without notice to him or his agent, or shall show that the rate of taxation for any purpose was, to any extent illegal, judgment shall thereupon be rendered against him for the proper amount due, based upon the value of his property as rendered by him, and the amount of the tax which is found to be legal.

SEC. 58. All provisions of the charter validating the tax levies and assessments of property, and making the assessment rolls *prima facie* evidence, and prescribing rules of procedure for the collection of taxes by suit or otherwise shall be held to apply only in suits which may be brought for the collection of taxes levied since 1897.

SEC. 59. All property, real, personal or mixed, made taxable by the laws of the State of Texas, which is situated in the city of Austin on the first day of January of each year and all personal property owned or controlled by persons residing herein, and taxable by law at the place where the owner, or agent in charge, may reside, shall be subject to taxation by said city for all purposes provided in this charter, including the support of the public free schools in said city.

SEC. 60. The city council shall have power to levy and collect an occupation tax on all occupations, callings, business and professions taxed by the State of Texas, from time to time to the amount of one-half of the occupation tax levied by the State, and shall have power by ordinance to provide adequate means and penalties for enforcing collection of the same.

SEC. 61. That the city council shall have the power to provide by ordinance for the assessing and levying of the taxes aforesaid, and to determine when taxes shall be paid.

SEC. 62. That no money shall be paid by the city upon any account whatever to any person or corporation who is in arrears to the city for taxes due, and the city council shall have the power to compromise all claims for back taxes.

#### STREETS AND SEWERS.

SEC. 63. That the city council shall have exclusive control and regulation of all streets, alleys, sidewalks and highways and public squares within the corporate limits of the city, and shall have power:

1. To abate and remove encroachments thereon in summary manner.

2. To put drains and sewers therein, and when necessary, to appropriate private property for that purpose; for the purpose of establishing streets and alleys to be condemned according to the laws relating to condemnation of property by railroad corporations, the city occupying the place of the railroad corporation in such cases.

3. To permit and regulate the laying of gas and water mains therein, and the erection of telegraph and telephone and electric light poles therein.

4. To regulate, establish and change the grade of all sidewalks, streets and alleys, and to require and compel the cutting down or filling up and raising of such streets, sidewalks and alleys.

5. To construct, regulate and keep in repair all culverts, sewers and crossings, and to control and regulate the use of same.

6. To construct, regulate and keep in repair all necessary sidewalks, footways and streets.

7. To grade, cut down and fill up the same.

8. To regulate the use of the same and abate and remove encroachments and obstructions thereon, and to compel the same; provided, that when the city council has once established a grade for any street, sidewalk, alley or park, and any owner of property abutting thereon has improved such property to conform to such grade, then the council shall not have authority to change such grade, except by consent of a majority of the owners by feet frontage of the property in front of which it is proposed to change such established grade.

SEC. 64. That the city council shall fix and determine the nature of all sidewalks, streets, drainage and sewerage improvements, and decide as to the kind of material to be used.

SEC. 65. That there may be appointed by the city council, five citizens of Austin, who shall constitute a board of street and sewer commissioners. They shall hold office until the next general election and shall act gratuitously. The board shall be allowed, however, the sum of five hundred dollars annually, or such portion of the same as they may require to cover expenses, if any, which they may incur in performing the duties of their office.

SEC. 66. That it shall be their duty to prepare and recommend to the city council comprehensive plans for streets, sidewalks, sewers and drainage improvements, including the material to be used and all other matters pertaining to the construction of the improvements.

SEC. 67. That all matters involving an outlay of as much as five hundred dollars, pertaining to any improvement of the character above mentioned shall first be referred to them, and an interval of not less than ten days after such reference is formally made by the city council, shall be allowed them in which to report on the same to the said council; and it shall be their duty to examine, pass upon and report to the city council all plans and specifications relating to such improvements before the same are finally approved by the city council.

SEC. 68. That they shall also pass upon all bids received on matters relating to said improvements, and recommend such action with reference to the same to the council, as they may deem expedient. They shall also examine and pass upon all street work for the city, where the contract exceeds five hundred dollars, and such work shall not be accepted by the city council until their report on the same has been made to the city council; or until after the expiration of fifteen days from the time when the matter shall have been referred to them.

SEC. 69. The city council shall have power to employ and fix the compensation of such agents as it may deem for the best interest of the city; provided, that the compensation of such agents shall not be increased during the time of their employment; and provided further, that the city council may abolish any place created by it, and also discharge any person employed by it at any time that it may deem that the best interests of the city requires such action; and the city shall not be liable for the salary of such persons after the place to which he has been elected has been abolished or he has been discharged by the city council.

SEC. 70. That the city council shall have power by ordinance:

1. To make regulations to prevent the introduction or spreading of any contagious disease within the city; to make quarantine ordinances for that purpose and to enforce them within the city and within ten miles thereof, and to enforce vaccination and to establish hospitals and to make regulations for the government thereof within and without the city limits; and to make and enforce all other necessary regulations to secure the general health of its inhabitants.

2. To establish or erect, or cause to be established or erected, market and market houses; to designate, regulate and control market places and privileges and to inspect within or beyond the city limits and determine the mode of inspecting cattle, meats, birds, fowls, fish, vegetables, fruits, milk, and to seize and destroy any decayed or unwholesome fruit or vegetables, any impure or unhealthy or unwholesome meats, birds, fowls, or fish, and to regulate, license, control or prevent the sale or keeping for sale on public streets, squares and alleys of any article of food or drink, or any goods, wares and merchandise of any kind whatever.

3. To regulate, restrain, locate, abate or prohibit slaughter houses, glue factories, bone boilers, hide houses or establishments for curing hides, soap factories, places for rendering lard, tallow, offal and other substances that can be rendered, and all other establishments where any nauseous, dangerous, offensive or unwholesome business may be carried on.

4. To define what shall be a nuisance in the city and to punish the authors thereof by penalties, fines and imprisonment.

5. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or suppression of disease.

6. To co-operate with the commissioners' court of Travis county in making such improvements connected with the city and county as may be deemed by the city council and commissioners' court necessary to improve the public health and to promote efficient sanitary regulations, and by mutual agreement they may provide for the construction of such improvements and the payment therefor.

7. To regulate the burial of the dead and to prohibit public funerals in cases of death from contagious or infectious diseases; to purchase, establish and regulate one or more cemeteries within or without the city limits; to regulate the registration of marriages, births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, ministers, sextons and others for any default in the premises.

8. To provide for the erection of all needful buildings for the use of the city, within its limits, and to determine when it is necessary to acquire property or the use thereof by the power of eminent domain for all purposes for which the city may lawfully exercise such power.

9. To license and regulate auctioneers, grocers, merchants, retailers, hotels, boarding houses and bakeries, and to license and regulate or suppress by ordinance, hawkers, peddlers, brokers, pawnbrokers and money changers.

10. To license and regulate hacks, carriages, omnibuses, wagons and drays, and to fix the rate to be charged for carriage of persons and for wagonage, cartage and drayage of property.

11. To license and regulate theatrical and other exhibitions, shows and amusements.

12. To license and regulate billiard tables, bowling alleys, restaurants, drinking houses and saloons and all places and establishments where intoxicating or fermented liquors are sold, and to regulate their location and to restrain and suppress street beggars, disorderly houses, lotteries and all fraudulent devices and practices.

13. To suppress gaming and gambling of all kinds and description, and to prevent the same.

14. To prohibit bawdy houses, houses of prostitution and assignation houses, and to punish prostitutes and keepers of houses of prostitution within the city.

15. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; also to regulate, restrain and prohibit the erection and repair and maintenance of wooden buildings in any part of the city, and to declare all wooden buildings which they may deem dangerous on account of fire nuisances and to require the same to be removed in such manner as the council may direct.

16. To regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards with power to remove and keep away from the vicinity of any fire any suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing the fire, or in the preservation of property exposed to the same, and to prevent goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance.

17. To compel the owners of houses and other buildings to have



scuttles upon the roof of any such buildings or houses, and stairs and ladders leading to the same.

18. To create a board of fire commissioners.

19. To regulate and prescribe the manner of building partition and parapet walls and of partition fences.

20. To establish standard weights and measures and to regulate the weights and measures to be used in the city in all cases not otherwise provided by law.

21. To provide for the inspection of lumber, the measurement thereof and other building materials.

22. To provide for the inspection and weights of hay, the measure of charcoal and other fuel to be used in the city.

23. To regulate and prescribe the duties and powers and compensation of all officers and employes of the city in accordance with limitations of this charter and to require bonds from them.

24. To provide for the taking of an enumeration of the inhabitants of the city.

25. To provide for the removal from office of any person holding an office created by this act or by ordinance not otherwise provided for.

26. To fix the compensation and regulate the fees of all jurors and witnesses, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriating of such fines and forfeitures and the enforcement of such penalties; provided, that no penalty shall exceed a fine of two hundred dollars or imprisonment not exceeding fifteen days for any one offense, or both.

27. To erect a workhouse and prisons and a house of correction and to provide for the regulation and government thereof.

28. To regulate and license all ferries and toll bridges within the limits of the city, except that portion of the Colorado river above the point where the northern boundary corporate line of the city calling to run westwardly would intersect the Colorado river if prolonged westwardly; nor shall any ordinance be enforced prohibiting hunting or fishing on said portion of the river; provided, that hunting or fishing in said territory may be regulated by the city council.

29. To prevent and restrain any riot, disturbance or disorderly assembly in any street, house or place in the city.

30. To use, regulate, improve, grade and control all grounds owned by the city within its limits.

31. To regulate the size, number and manner of construction of doors and stairways of theatres, tenement houses, audience rooms, public halls and all buildings used for the gathering of large numbers of people, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exits in case of fire.

32. To require the construction of suitable fire escapes on or in hotels, lodging houses, factories and other buildings, whether now or hereafter to be built.

33. To authorize one or more officers, agents or employes of the city to enter into and open all buildings and premises for the purposes of examining and discovering whether or not the same are dangerous on account of fire or in an unclean state, and cause the defect to be remedied and filth and trash to be removed; and generally the council shall have

the power to establish such regulations for the prevention and extinguishment of fires as it may be deemed expedient.

34. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; and prohibit and punish abuse of and cruelty to animals of every kind; to compel persons to fasten their horses or animals attached to vehicles while standing or remaining in the streets or other public places.

35. To prohibit the rolling of hoops, flying of kites, firing of fire-crackers or fireworks of any kind or any other amusement having a tendency to annoy persons passing in the streets or on the side walks; to restrain and prohibit or regulate the ringing of bells, the blowing of horns, whistles or bugles, the crying of goods, and all other noises, practices or performances tending to collect persons on the streets or side walks by auctioneers or others for the purpose of business or otherwise.

36. To prohibit all boxing matches, sparring exhibitions, cock fighting and dog fighting, and punish all persons making such exhibitions.

37. To regulate and prevent drumming on the streets or side walks, railroad platforms or other public places.

38. To require the owners of private drains, sinks and privies to fill up, clean, drain, relay, alter, repair, fix and improve the same as they may be ordered by resolution or ordinance, so as to prevent the same being or becoming a nuisance, and to impose penalties on persons not doing the same; and if there be no person in this city upon whom such order can be served, the city can have the work done, and the cost of the same shall be a lien on the property taxed up against and collected in such manner as the city council may direct.

39. To build, own and operate street railroads within and beyond the city limits.

40. To preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of trains, and to make and regulate stands for vehicles at said depots and other public places.

41. To prohibit and regulate the driving of cattle or other animals through the streets of the city.

42. To inspect the construction of all buildings in said city and to compel the connection of all buildings with sewers, when such buildings are in the sewerage district where sewers are in operation, and to prescribe the rates charged for such sewerage.

43. To regulate and locate the erection of all poles in the city, and cause the same to be changed, whether telegraph, telephone, electric light or otherwise.

44. To regulate the speed of locomotives, engines and other cars and vehicles in the city.

45. To direct and control the laying of railroad tracks, turnouts and switches, and require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in repair.

46. To erect, construct, build, operate and maintain a water and electric light system to supply the city and its inhabitants with water and electric lights by constructing and maintaining a reservoir of water in and about the channel of the Colorado river, within and without the city limits, by means of the dam across the same, as the same is now constructed, to serve as a reservoir and to furnish power to operate an electric

light system, and build such other reservoirs as may be necessary at such an elevated point within or without the city as may be necessary to supply the higher portions of the city with water. That for the purpose of constructing and maintaining such water and light system, the city shall have the power to take, hold and acquire such property within or without the limits of the city as may be necessary for the city to obtain in order to build such system or any part thereof; but no property shall be taken, overflowed with water or otherwise damaged by the city, within or without the limits, for such purpose without the consent of the owner thereof, except by due process of law, and upon making adequate compensation for the property so taken or damaged or overflowed. When the owner of property which shall be overflowed or damaged by the construction of such system of water and light works, or which it may be necessary for the city to acquire cannot agree with the city as to the amount to be paid for injury to property or for overflowing same, or the price which the city should pay to acquire such property, the city may condemn such property as it may deem necessary for it to acquire for such purposes, and have the damages assessed which the city should pay for injury to property to be overflowed by water or otherwise injured in the manner that railroad corporations are now or may from time to time be authorized to condemn property, and may in like manner have the damages to be paid for the property injured or overflowed assessed and established; the city occupying the place of the railroad corporation in such proceedings.

47. To provide for the inspection of boats carrying passengers and freights for hire on the reservoir or lake in Colorado river formed by the construction of the dam across said river, and to prescribe all necessary rules and regulations for the safe conduct of boats thereon, and to exercise general police power over said reservoir or lake.

48. To regulate the use of locomotive engines, and to direct and control the location of cables and all other railroad tracks, and to require railroad companies of all kinds to construct at their own expense such bridges, turnouts, culverts and crossings as the city council may deem necessary.

49. To regulate the speed of railroad trains in the city limits and their stops at the crossings, and require said companies to keep the streets through which they run in repair.

50. To regulate the running of horse railroad cars, or cars propelled by dummy engines or other power, and laying down tracks for the same, the transportation of passengers thereon, the form of rails to be used.

51. To establish and regulate public pounds, and to regulate and prohibit the running at large of horses, cattle, mules, sheep, swine, goats, geese, dogs and other animals or fowls, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or harborers thereof for the violation of any ordinance.

52. To provide for the holding of election by the people, and to regulate the manner of holding the same, and every male inhabitant in the city qualified to vote for State and county officers in Travis county who shall have resided six months in the limits of the city shall be qualified to vote for city officers under this act.

## CITY OFFICERS.

SEC. 71. There shall be a mayor of the said city, a city marshal, a city clerk, a city attorney, a city assessor and collector, a city physician, a city treasurer, a city engineer and ex-officio street commissioner, who shall be superintendent of streets, each of whom shall have resided in the State of Texas twelve months and within the city of Austin six months next preceding the election, and shall be a qualified elector of said city under the laws of the State. Each of them shall hold his office for a term of two years, and until his successor has been elected and qualified. They shall each, together with the aldermen of the said city, be elected at a regular city election, to be held on the first Monday in April of each alternate year, the first election to be held hereunder on the first Monday in April, 1899. No person holding any lucrative office or position under the authority of the United States or any State shall be qualified to hold any of the offices aforesaid. Each of said officers shall take the oath of office prescribed by the Constitution of the State of Texas.

SEC. 72. There shall be a board of police commissioners of the city of Austin, which shall consist of three members, including the mayor, who shall be ex-officio a member of the board and the president thereof; the other two members of said board shall be appointed by the Governor of the State of Texas from among the resident citizens of the city of Austin.

The commissioners so appointed shall take the oath of office prescribed by the Constitution, and shall hold their office for the term of two years, and until their successors are appointed and qualified. They shall serve without pay. Said board shall have power to appoint and remove all policemen and to prescribe rules and regulations for the government of the police force of the city of Austin, and generally to exercise full and complete control over the same. Said board shall appoint ten regular policemen, one of whom shall serve as day clerk and another as night clerk at the city hall, and may, when occasion requires, appoint such number of special policemen as may be necessary. The policemen shall receive a salary of sixty dollars per month each, except mounted policemen, who shall receive seventy-five dollars per month.

SEC. 73. That when two or more persons shall have an equal number of votes for any office a new election shall be ordered, except when the election is contested, and whenever an election is contested the city council shall determine the same.

SEC. 74. That whenever any vacancy shall happen in the office of mayor or alderman within six months after time for holding a general election it shall be filled by election by the city council of some person not a member of the council, in which case such officer shall hold office for unexpired term of office only. Vacancies in said office occurring more than six months before a general election shall be filled by a special election by the qualified voters of the city.

SEC. 75. That any officer of the city may be removed from office for any malfeasance in office by a majority of two-thirds of the full board of aldermen, after trial and conviction. The council shall be the judge of what shall constitute malfeasance in office.

## THE MAYOR.

SEC. 76. That the mayor shall sign the commission and appointments of all persons elected by the city council.

SEC. 77. That the mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers; it shall be his duty to make a report to the council in writing regarding any error of deficiency he may discover in said accounts and papers.

SEC. 78. That the mayor shall preside at all meetings of the city council except as herein otherwise provided, and shall have a casting vote when the council is equally divided and not otherwise.

SEC. 79. That the mayor shall from time to time communicate to the city council information and recommend such measures as in his opinion may tend to the improvement of the finances, health, security, ornament and general prosperity of the city.

SEC. 80. That the mayor shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city, and he is hereby authorized to call upon every male inhabitant of the city over eighteen years of age and under the age of fifty years to aid in enforcing the laws and ordinances of the city, and any person who shall not obey such call shall forfeit to the city a fine not to exceed two hundred dollars.

SEC. 81. That the mayor, by and with the consent of the council, shall have power to remit fines, forfeitures and penalties, and to grant reprieves and pardons for all offenses arising under the ordinances of the city.

SEC. 82. That the mayor shall have power to solemnize marriages and to administer oaths of office.

SEC. 83. That the mayor shall try all cases of violation of the city ordinances.

## CITY MARSHAL.

SEC. 84. That the marshal of the city shall be ex-officio chief of police, and shall be the chief police officer of the city under the mayor, and he shall either in person or by deputy attend upon the mayor's court while in session and upon meetings of the city council, and shall promptly and faithfully execute all writs and processes issued to him. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quieting riots, disorders and disturbances of the peace within the limits of the city, and shall take into custody all persons so offending against the peace of the city, and shall have the authority to take suitable and sufficient bail for the appearance before the mayor's court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest without warrant all violators of the public peace, and all who obstruct or interfere with him in the execution of the duties of his office or who shall be guilty of any disorderly conduct or disturbance whatever in his presence, or upon complaint of any citizen. To prevent a breach of the peace or preserve quiet and good order, he shall have authority to close any theatre, barroom, drinking house or any other place or building of public resort, and in the prosecution and suppression of crimes and arrest of offenders he shall have, possess and exercise like power, authority and jurisdiction as the sheriff of the county under the laws of the State. He

shall give a bond, payable to the said city, and in such amount as the city council may require, said bond to be approved by the city council. He shall perform such other duties, possess such other powers, rights and authority as the council may by ordinance require and confer.

#### CITY CLERK.

SEC. 85. That it shall be the duty of the city clerk to attend all meetings of the city council and to keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, to preserve and keep in order all books, papers, documents, records and files of said council, to countersign all commissions and licenses issued by the mayor, and to keep a record of them, and to draw all warrants on the treasurer and countersign the same, and to keep accurate accounts thereof in a book provided for the purpose.

SEC. 86. That he shall have the custody of all ordinances of said city, and of all seals of the corporation and shall only affix the same to the obligations of the city by order of the proper authority of the city.

SEC. 87. That the city clerk shall perform such other and further duties as may be required of him by the council by resolutions or ordinances or otherwise, and give such bond as the city council may prescribe.

#### CITY ATTORNEY.

SEC. 88. That the city attorney shall be a regular licensed lawyer who shall have received his license to practice law in this State more than five years before his election. He shall attend all cases in any court in the State wherein the city may be a party in interest, unless by the council otherwise provided. He shall draw all ordinances, when requested to do so by the mayor or any alderman, and inspect and advise upon all papers and documents involving any interest of the city. He shall be the legal adviser of the mayor, the city council, or any committee or board of the city, and of all city officers, and authorities upon legal questions touching their official duties.

#### CITY ENGINEER AND EX-OFFICIO STREET COMMISSIONER.

SEC. 89. The city engineer and ex-officio street commissioner shall, with the advice of the mayor, have general supervision of all work on the streets and bridges of the city, within such limits of expense as the city council may, under the terms of this act, prescribe, and shall also perform the duties of city engineer as fixed by the charter in force prior to the passage of this act, and such other duties as the council shall direct.

#### CITY ASSESSOR AND COLLECTOR.

SEC. 90. That the city assessor and collector shall assess and collect the city taxes and occupation licenses, and shall pay the same over to the city treasurer promptly as collected, taking duplicate receipts therefor, one of which he shall retain and the other he shall return to the council. He shall, monthly, or oftener if required, make a detailed report to the city council of all collections made by him.

SEC. 91. That he shall be vigilant and see that no business is carried on without the license or occupation tax due thereon shall have first been paid. He shall be responsible for all acts of his deputies. He shall be vigilant in collecting all delinquent taxes, and enforce their collection as herein provided, and as may be provided by ordinances. He shall give bond in such amounts and in such form as the council may prescribe, with good and sufficient security.

SEC. 92. That the city council may require a new bond if in their opinion the existing bond is insufficient, and whenever such bond is required, he shall perform no official act until such bond shall have been approved.

SEC. 93. That he shall have all the powers and perform all the duties herein provided, and such others as the council may confer and prescribe.

#### TREASURER.

SEC. 94. That the city treasurer shall give such bond or bonds as may be required, conditioned for the faithful discharge of his duties. He shall receive and keep all money belonging to the city, and make all payments of the same upon warrants of the mayor attested by the city clerk.

SEC. 95. That he shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting of every month and at such other times as the council may require.

#### CITY PHYSICIAN.

SEC. 95½. The city physician shall perform the duties of city hospital physician, and such other duties as may be directed by ordinances.

SEC. 96. The mayor shall receive an annual salary of two thousand dollars, the city marshal shall receive an annual salary of one thousand five hundred dollars, the city clerk shall receive an annual salary of twelve hundred dollars; the city assessor and collector of taxes shall receive an annual salary of one thousand seven hundred dollars, and he may employ an assistant at an annual salary of not exceeding eleven hundred dollars; the city physician shall receive an annual salary of twelve hundred dollars; the city treasurer shall receive an annual salary of one hundred dollars; the city attorney shall receive an annual salary of fifteen hundred dollars; and the city engineer and ex-officio street commissioner shall receive an annual salary of twelve hundred dollars.

#### THE MAYOR'S COURT.

SEC. 97. That the mayor shall be chief judicial magistrate of the city, and as such, shall hold a court within the city, by the name of the Mayor's court of the City of Austin, which said court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances of the city, subject, however, to an appeal to the county court, in the same manner as appeals are taken and granted from justice's courts to the county courts, under the General Laws of the State.

SEC. 98. That the mayor may require of any person arrested under this act, or the ordinances of the city, a bond to keep the peace, with two

good and sufficient securities, which bond shall payable to the city of Austin. He shall have full power and authority to issue subpoenas for witnesses, and compel their attendance by process of attachment. He may issue warrants of arrest, search warrants, executions, and other process known to law that justices of the peace of this State may lawfully issue, and he may punish all contempt by fines, or imprisonment, or both.

SEC. 99. That he shall have full power to administer official oaths, and all other oaths or affirmations, and give certificate thereof. The mayor shall be ex-officio justice of the peace, and shall possess within the city limits in criminal cases all the powers and duties of such officers, but in no case shall he entertain jurisdiction of civil suits.

SEC. 100. That the mayor shall be conservator of the peace, and his court shall be open every day, except Sunday and legal holidays, to hear and determine any and all cases cognizable before him, and shall have power to bring parties before him forthwith for trial. Parties arraigned for violation of city ordinances demanding a trial by jury shall deposit with the court the sum of three dollars security for the payment of the cost of such jury, unless they shall make oath that they are unable to pay or secure the same; any person convicted of an offense under the provisions of this act, or the ordinances of the city, shall be punished as may be prescribed by ordinance, not to exceed the punishment which the Legislature may lawfully authorize a mayor of a city to impose.

SEC. 101. That the fines imposed in the mayor's court for violations of the city ordinances, shall not be less than five dollars, nor more than two hundred dollars, for each and every offense, and no cost shall be taxed against any person convicted therein.

SEC. 102. That there shall be a board designated, and known as "The Austin Water, Light and Power Commission of the City of Austin, composed of four commissioners possessing the qualifications required for mayor of said city, and the mayor of the city of Austin who shall ex-officio be a member thereof. Said commissioners to be elected by the qualified voters of the city, and to serve without compensation, and shall hold their offices for a term of two years, and until the election and qualification of their successors. They shall qualify within twenty days after their election, take the oath prescribed by the Constitution of the State; provided, the first election for said commissioners shall be at the general election to be held on the first Monday in April, 1901, and the commissioners heretofore elected, and now qualified and acting, shall continue in office for the period for which they were respectively elected, at the expiration of which time the city council, on the nomination of the mayor, shall elect their successors, who shall serve until the commissioners elected on the first Monday in April, 1901, shall have qualified.

SEC. 103. The board and their successors shall take, and hold possession of, and have and receive general exclusive supervision, management, and control of the system of water works, electric lights, and power plants of the city of Austin, and all property, funds, and business belonging or appertaining thereto; and it shall have the exclusive power, and it is charged with the duty as a branch of the city government to furnish all water, light and power adequate to the requirements of the city of Austin for public use and for such compensation to be paid by the city as hereinafter provided; and said board shall have the power to make and enforce any and all contracts deemed proper by it, and not prohibited by



law or this act, in connection with its duties and powers hereby given it. Said board shall further have the power and is hereby given the right to use the same banks of the Colorado river within the limits of the city of Austin for the purpose of maintaining and constructing wells, canals, and such other improvements as may be deemed needful by the board for properly carrying on its business in pursuance of its powers as such board; and the city of Austin is hereby invested with the right of eminent domain to be exercised by said board for the city of Austin, in the acquisition of any property necessary for the maintenance of said system, and shall have the power to improve, extend, add to or change said system under its control, as the board may from time to time determine, and to dispose of all property not needed for the proper management of the plant and system.

SEC. 104. The said commission shall have the power to employ and discharge at pleasure the persons necessary to successfully operate said water, light and power system, and to fix salaries and amounts of compensation each employe shall receive, with power to reduce or change such compensation at its pleasure; and when deemed necessary by it, to require of employes such bonds as may be deemed proper.

SEC. 105. That said commission shall have the power, and it shall be its duty to make and enforce all rules and regulations necessary for the protection of said property, and the operation of said business, and to fix all rates and charges for water, light and power, to be paid by all consumers; provided, that the charges to be paid for water by the city, and for light and power for the public use, shall be as follows: For each fire hydrant, not more than thirty dollars per year. For each watering trough, not more than forty dollars per year. For flushing gutters, and supply of public grounds and property with water, not more than one thousand dollars per year. For water used by the city for all other purposes, and for light and power, at a rate not to exceed one-half of the meter rates fixed from time to time for other consumers generally; and provided, that the rates charged by said commission shall at no time be so high that the proceeds exceed in amount a sufficiency to pay interest and sinking fund on the water and light bonds of the city of Austin, operating expenses and general expenses, deemed proper for the benefit of the system; and the commission shall have the power, and it is its duty, to provide the method and fix the time when payments of rates and charges shall be made, and to receive and collect all money due from said system; and it may in its own name institute and conduct any suit in the courts having jurisdiction thereof, for the collection of debts due it, for the recovery or protection of said property or for damages thereto; that said commission shall keep a record of its proceedings, and a list of rates, both of which shall be subject to inspection at all times during office hours; and it shall make report to the city council quarterly, showing the revenues and expenditures had, made and contracted for during the next preceding three months, and at the end of each fiscal year a report showing additionally the condition of the system, the property, funds and securities which have come into its hands during the said year, and the disposition thereof; which report shall be audited under the direction of the city council, and shall be published in such manner as the council may direct.

SEC. 106. That the commission shall, at the first meeting after each

election and qualification of members of the board, elect one of its members president and another vice-president, who shall, unless they sooner vacate same, hold their offices until the next meeting of the board after the next election and qualification of members of said board; and in case of vacancy in either position the board shall elect from its members a member to fill such vacancy for the unexpired term. Any three members of said board shall constitute a quorum for the transaction of business in regular meeting, and at least one regular meeting shall be held each month. The board shall keep on file vouchers for all expenditures, and may prescribe such further rules for the conduct of its business as from time to time it may deem proper; provided, that no money shall be paid out except after appropriation made therefor at a regular meeting of said commission, and provided that the treasurer shall only pay out money upon the draft against such appropriation of the president, or vice-president if under the rules of the commission he is acting for the president, and no other member of the commission; and providing further, that the revenue arising from the said water, light and power plant shall be applied by said commission, first, to the payment of the current expenses of the business, and second, to all reasonable improvements and additions to said system, and third, the surplus shall be transferred by the commission to the interest and sinking fund of the water and light bonds of the city of Austin. Such transfer to be made at least ten days prior to the time at which any installments of the interest or sinking fund shall become due and payable upon the water and light bonds of said city, toward the payment of which such surplus fund shall be applied, and it shall be the duty of said commission, at least thirty days prior to the annual levy of taxes by said city, to report to the city council an estimate of such surplus for the year for which taxes are to be levied.

SEC. 107. The treasurer of the city of Austin is hereby made the ex-officio treasurer of the Water, Light and Power commission of the city of Austin; and as such treasurer for said commission he shall give bond payable to the city of Austin, and subject to the approval of the commission, in a sum to be fixed by the said commission, and not less than twenty-five thousand dollars, conditional for the faithful performance of all duties devolving upon him as said treasurer of said commission; any guaranty company having complied with the provisions of the laws of Texas in that respect may become surety upon such bond.

SEC. 108. The said commission shall have a seal with its name inscribed thereon, which shall be kept by the person designated by the commission as secretary, and copies of all records and official books, and accounts of the said commission certified under the hand of the president and attested by its secretary and seal shall be admitted in evidence in all courts.

SEC. 109. The commission may lease any surplus of power for such periods of time, not exceeding twenty years, and for such prices as it may deem expedient, subject always to the right of the city to the use of sufficient water to properly operate the plant; provided, that all contracts for the lease of such power or any part thereof shall contain stipulations fixing the time within which such power shall be used and for what purpose, and that the right to use the same shall be forfeited upon the failure to use the same within the time stipulated in such contract for the

purpose therein specified, or for the abandonment of the usage of the same for a period to be specified in such contract, or for subleasing or assigning the same or parts thereof, or charging others with the use thereof without the written consent of said commission, or for failure to pay for same at such time as may be fixed for the payment in such contracts, and the contract shall provide that the commission may discontinue the supply of power to such lessees, whenever in its discretion, it may be necessary to do so; in order that said system may be properly operated; and such lessees shall not have a right of action against the city of Austin for any damages arising out of such discontinuance, but shall be entitled to a proportionate rebate on their contract price for such power.

SEC. 110. That it shall be unlawful for any commissioner to be interested, either directly or indirectly, in any contract or transaction by said commission with any person or persons, or in the purchase of any material or supplies made by such commission.

SEC. 111. If any person shall wilfully do or cause to be done any act whereby any work, material or property whatever erected within or without the city of Austin or used by the board, or by any person acting under its authority for the purpose of securing or keeping a supply of water, light or power, shall be injured, or shall wilfully throw or place, or cause to be thrown or placed, any carcass of any dead animal or person or any other deleterious or filthy substance whatever, in any reservoir, pipe or aqueduct of said system through which water for public or private use is conveyed, or shall throw or place, or cause to be thrown or placed, in the Colorado river, or any of its branches, any such substance above the city dam across the Colorado river within the city limits, or wilfully do, or cause to be done, any act to pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars and not exceeding two hundred dollars.

SEC. 112. That if any person, without the written consent of the commission or its agent duly thereunto authorized, shall perforate above, or cause to be perforated or bored any distributing pipe, main or aqueduct, or cut, remove or otherwise injure any pole or attachment to either, or shall wilfully injure any reservoir or other appliances or machinery used as a part of or in connection with the said water, light and power plant or system, or make, or cause to be made, any connection with said pipe, aqueduct or works, or appliances without such written authority previously obtained, the person so offending shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than ten, nor more than two hundred dollars.

SEC. 113. No prosecution herein provided shall preclude the commission from recovering damages in any civil action.

#### GENERAL PROVISIONS.

SEC. 114. That the city council shall have power, subject to the restrictions herein contained, to make all ordinances which may be necessary and proper for carrying into effect the powers specified herein; provided, that the council shall have no power to prohibit the owners of property abutting on the Colorado river from fishing in that river and resorting thereto for water, and having access thereto for themselves and stock.

SEC. 115. That all ordinances of the city of Austin and rules and regulations of the city council, and other departments of the city, which shall be in force when this act takes effect, and which are not in conflict with the same, shall remain in full force and effect until amended, altered or repealed by the city council.

SEC. 116. That all members of the city council, and other officers of the city, shall continue in office until the first election after this act takes effect, and their successors are elected and qualified, as provided for in this act, and until such time shall receive the compensation now paid them respectively.

SEC. 117. That the fiscal year of the city shall be from and including the first day of January in each year, to and including the thirty-first day of December of said year; and all receipts of money during such fiscal year shall be regarded as funds belonging to such fiscal year, whether collected from the taxes or other dues of a previous year or not, and all taxes and other dues remaining due and uncollected at the expiration of one fiscal year shall be regarded as resources of the next succeeding fiscal year.

SEC. 118. That the receipts of money during any fiscal year, either from special funds provided to pay interest and sinking funds, or bonds of the city, shall be applied to the payment of expenses and indebtedness incurred during such fiscal year; and no debt other than such as may be authorized by a vote of taxpayers, as is provided for in this act, shall be incurred to be paid after the end of the fiscal year in which it may be incurred.

SEC. 119. That no contract shall be made involving the payment of money by the city after the termination of the fiscal year in which it is made, except for constructing public works, or other improvements, which in the judgment of the council, cannot be practically completed before the end of the fiscal year; but no contract made for such public works or improvements, shall in any event involve the payment of a greater sum, after the close of the fiscal year, in which such contract is made, than may be paid out of the fund belonging to such fiscal year, and in all such cases an appropriation shall be made out of the funds for the pending fiscal year for the payment of the amount the city will become liable for if such contract is performed; such appropriation shall be made at the time such contract shall be executed, or the contract shall not be valid; provided, that this section shall not apply to the expenditures of any special funds raised by the issuance of bonds for special purposes.

SEC. 120. That in order to make these restrictions effective, the council shall within two months after the beginning of each fiscal year, and after the salaries of officers and regular employes shall have been fixed for the year, cause to be made or adopt an estimate of the probable income from all sources, which will be collected for the general fund during the fiscal year; and of the expenditures to pay salaries and wages of officers and regular employes, and of the amount required to meet the other ordinary expenses of the city government, not including work on streets and bridges, or other public improvements; said estimate shall be spread upon the minutes of the council when adopted, and may be amended when the council may deem them incorrect.

SEC. 121. That after the adoption of the said estimates, it shall be

unlawful for the city council to so appropriate sums out of the general funds as to reduce the general fund below the amount which if said estimate be taken as correct, will pay the said estimated expenses of the city government for the pending fiscal year.

SEC. 122. That after two months from the beginning of any fiscal year, no appropriation shall be made for other purpose, other than to pay the regular salaries of officers and employes, and expenses of the hospital, without such estimate of the city council being in force as provided for in this act.

SEC. 123. That the city clerk shall keep posted in a conspicuous place in the council room, a copy of the estimates provided for in the preceding sections, and shall note in connection therewith the aggregate of each appropriation ordinance effecting the general funds, passed by the council after the same takes effect.

SEC. 124. That the unexpended balance of appropriations remaining after the purposes for which they were made have been accomplished, or abandoned, shall be reported to the city clerk by the committee or officers of the city having the subject in charge, and when so reported such unexpended balances of appropriations shall be noted in connection with said estimates so posted in the council room.

SEC. 125. That no money shall be paid out of the city treasury except by warrant signed by the mayor and attested by the city clerk.

SEC. 126. That the inhabitants of the city of Austin are hereby exempted from working on public roads beyond the limits of the city.

SEC. 127. That the ordinances, resolutions and by-laws of the city council may be proved *prima facie* by a book of printed ordinances of the city appearing to be printed by the authority of the city, or by copies of ordinances certified by the city clerk to be true copies of such ordinances or the record thereof.

SEC. 128. That the city of Austin may institute and prosecute suits without giving security for costs, and may appeal from judgments without giving supersedeas or cost bonds.

SEC. 129. That the board of trustees of the public free schools of the city of Austin, now acting under elections heretofore held shall continue in office until their successors shall qualify, and the terms of office of the members of said board respectively are hereby changed to conform to the change in time for the general election of city officers, so that the members of the board, whose terms would have expired in December, 1899, shall expire with the first general election of city officers, under this charter, and the terms of the remaining members shall expire with the second general election held thereafter, and at each general election of officers under this act members of said board of trustees shall be elected in conformity with the laws of the State upon the subject, and the said board of trustees shall continue to manage and control the public free schools of the city of Austin in accordance with the general laws applicable to cities which have acquired exclusive control of the public free schools within their limits.

SEC. 130. Nothing herein contained shall ever be construed to in any manner suspend, modify or abridge any penal laws of this State; but the penal laws of this State shall ever be in full force and effect, and in no manner repealed or suspended by any provision of this act; but the

council may enact any ordinance not in conflict with the penal laws of this State.

SEC. 131. That the territory of the city of Austin not embraced within its corporate limits, prior to the first day of May, 1890, shall not be charged with or liable for any debts of the city of Austin incurred prior to said date.

SEC. 132. That the jurisdiction and powers conferred on the city of Austin by this act shall supersede the authority of each and all other municipal corporations heretofore exercising any authority over any part of the territory included within the boundaries of the city of Austin as prescribed by this act.

SEC. 133. That the city council shall cause to be published within a month after the end of each fiscal year, a full, complete and detailed statement of all moneys received and expended, classifying each receipt and expenditure under its proper head.

SEC. 134. That this act is declared a public act, and may be read in evidence in all courts of law and equity in this State without proof.

SEC. 135. That all laws and parts of laws which are in conflict with this act be, and the same are hereby repealed.

SEC. 136. That any official or other bond required or permitted under this act may be made in any surety or guaranty company authorized to do business in this State.

The fact that the expenses of the city of Austin are now unreasonably high and ought to be reduced, and that the voters of said city demand the right to elect by popular vote the officers of said city, creates an imperative public necessity and emergency requiring the suspension of the constitutional rule which provides that bills shall be read on three several days, which said rule is accordingly suspended, and it is therefore enacted that this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 92, nays 5; and passed the Senate by a two-thirds vote, yeas 22, nays 3.]

Approved March 4, 1899.

Became effective March 4, 1899.

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### PARIS—AMENDMENT.

S. B. No. 176.]

#### CHAPTER III.

An Act to amend an act entitled "An Act to incorporate the city of Paris, and to prescribe its duties and liabilities," adopted by the Twenty-first Legislature of Texas, and approved March 27th, 1889, by amending Section 25 of said act, and adding Section 31a thereto.

*Be it enacted by the Legislature of the State of Texas:*

That a special Act of the Twenty-first Legislature, approved March 27th, 1889, entitled "An Act to incorporate the city of Paris, and to prescribe its duties and liabilities," be and the same is hereby amended as follows:

1st. That Section 25 of said special act shall hereafter read as follows:

Section 25. The city council shall have the management and control of the finances and other property, real, personal and mixed, belonging to the corporation. The city council shall have power to appropriate money and provide for the payment of debts and expenses of the city, to provide by ordinance special funds for special purposes, and to make the same disburseable only for the purpose for which the fund was created, and any officer of the city misappropriating such special fund shall be deemed guilty of malfeasance in office, and shall, on complaint of any one interested in said fund misappropriated, be removed from office; to make regulations to prevent the introduction of contagious disease into the city; to make quarantine laws for that purpose, and to enforce them within the city and within ten miles thereof; to provide, or cause to be provided, the city with water, sewers and public parks, and to this end the city of Paris shall have power and authority to lease, purchase or acquire, to hold and control all lands either within or beyond the corporate limits of the city that may be deemed necessary by the city council; to establish, construct and maintain public parks, a sewer system or systems for the city, and water works for the supply of water for all purposes, public and private, to the inhabitants of the city, and to those living adjacent to the city; to build and construct all necessary fences to enclose its lands; to erect buildings thereon, and to construct lakes, reservoirs, cisterns and wells, erect pumps, standpipes, hydrants and water troughs; to lay water mains, water pipes and sewer pipes in, along or across any of the public streets, alleys, or squares of the city or in or across any of the public roads of Lamar county outside of the limits of the city, and to place fish in any lake or reservoir it may establish for its water system. And the city shall have complete police control over all its lands so held for such purposes, and shall specially have complete police control over the land now owned by said city beyond its present corporate limits, on which it has established a lake or reservoir for the purpose of supplying the city with water, and over its right of way connecting said lake or reservoir with the city on the route now laid out, and on which its pipe line is being placed. The said right of way being more particularly described as follows: Beginning on the western boundary line of the present corporate limits of said city, on Graham street; thence west with Graham street 4011 feet; thence north 50° west on the route now surveyed and marked for the pipe line 22,639 feet to a stake in the line of the city's land bought for its said lake, near M. L. Thomas' house. The said right of way includes a strip of land fifteen feet wide through its whole length, and the land on which said lake or reservoir is situate is described as follows: Beginning where the above described right of way touches said city's land; thence north 150 feet; thence north 13° 30' W 500 feet, north 20° W 1000 feet, N 38° W 458 feet, N 65° W 1200 feet, W 1500 feet; thence south 700 feet; thence S 29° W 680 feet; thence S 62° 35' W 1773 feet; thence S 61° 15' W 627 feet; thence south 480 feet; thence west 1360 feet; thence south 1125 feet; thence west 300 feet; thence south 3732 feet; thence east 1390 feet; thence north 1880 feet; thence N 86° 40' E 788 feet; thence north 299 feet; thence east 808 feet; thence N 1° 45' E 775 feet, N 81° 45' E 697 feet; thence east 1765 feet, N 21° 52' E 667 feet, N 8° 30' W 407 feet, N 76° 30' E 306 feet, N 39° 15' E 341 feet, N 9° 15' W 737 feet; thence N 78° 45' E 200 feet; thence N 76° 20' E 430

feet, south 352 feet; thence east 195 feet; thence S 23° 45' E 277 feet; thence east 500 feet; thence north 550 feet to the place of beginning, the same being the lake and watershed now owned by the said city of Paris; and the city council may adopt rules and ordinances regulating the use of its parks, its water and sewers, and for protecting its fences, parks, walks, drives, trees, buildings, shrubbery or other ornamentations; its pumps, stand-pipes, water mains, water pipes, sewer pipes, hydrants or other property from injury, and to protect its water from pollution, and to prevent interference in any manner of its water or sewers, whether the same is situated within or beyond the corporate limits of the city, and to adopt rules and ordinances protecting, regulating or prohibiting the catching of fish from its lakes or reservoirs, and prohibit or regulate the placing or using of boats on its lakes or reservoirs, whether the same is situated within or beyond the corporate limits of the city, and regulate or prohibit the hunting of game on any of its lands and waters held for said purposes, and to provide for the punishment of the violation of any of its said rules or ordinances by prosecution in the mayor's or recorder's court, or police court of the city, whether the offense is committed within or beyond the corporate limits of the city.

Whenever it shall become necessary to lay any water main, water pipes or sewer pipes through or over any private property for the purpose of constructing, extending or maintaining its water works or sewer system, or for the erection of stand-pipes or hydrants, the said city shall have the right to take so much of said private property as may be necessary for said purpose, whether the same be situated within or beyond the corporate limits of the city, but before doing so just compensation shall be paid therefor to the owner or owners of the property taken or damaged, and whenever the owner or owners of such property cannot agree with a committee of the city council as to the value of the property to be taken or damaged, condemnation proceedings shall be had in the manner prescribed in Section 32 of said special act, relating to condemnation of property for streets, and damages paid in the same manner as prescribed by authority of said section.

Said special act is further amended by adding thereto Section 31a, which section shall read as follows:

Section 31a. The city council shall also have power whenever it may become necessary to erect, enlarge or repair any public free school building within said city for the use of the public free schools of said city; to borrow money on the credit of the city, and issue coupon bonds of the city therefor in such sum or sums as may be necessary, such bonds to bear interest at a rate not exceeding five per cent. per annum, payable annually or semi-annually, and at such place or places as may be designated in the ordinance providing for the issuance of the bonds; provided, that the aggregate amount of bonds issued by the city council shall at no time exceed the amount fixed by the Constitution of the State. The bonds shall specify the purpose for which they are issued, and the money arising from the sale thereof shall not be used for any other purpose than that for which the bonds are issued, and the bonds shall not be valid if sold for less than their par value; and when such bonds are issued by the city a fund shall be provided sufficient to pay the interest, and to create a sinking fund to redeem the bonds at maturity, which fund shall not be diverted or drawn upon for any other purpose. Said bonds shall be



signed by the mayor and city secretary, and run not longer than forty years, and before they are offered for sale, and before any such bond shall ever become valid they shall be forwarded to the Attorney-General of the State for his certificate of approval by the mayor of said city, and be registered by the Comptroller in the manner required by the General Laws of this State, relating to the regulating and restricting the issuance of bonds by counties, cities and towns.

It being important that the city of Paris should immediately have the benefit of this act in order to at once exercise some of the increased powers herein conferred to complete its water works system, now in course of construction, an emergency is created that this act take effect and be in force from and after its passage, and it is so enacted. And the near approach of the close of this session creates an imperative public necessity and emergency demanding the suspension of the constitutional rule requiring a bill to be read on three several days, and such rule is hereby suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 0; and reported to the House of Representatives where it was amended and passed by a two-thirds vote, yeas 87, nays 0; Senate concurred in House amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-first day of March, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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## PARIS—AMENDMENT TO CHARTER.

S. B. No. 273.]

### CHAPTER IV.

An Act to amend an act entitled An Act to incorporate the city of Paris, and to prescribe its duties and liabilities, adopted by the 21st Legislature of Texas, and approved March 27th, 1889, by amending Section 4 of said act so as to make all officers created by said act elective by the qualified voters of said city.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That a special act of the 21st Legislature of Texas, approved March 27th, 1889, entitled An Act to incorporate the city of Paris, and to prescribe its duties and liabilities, be and the same is hereby amended as follows:

1st. That Section 4 of said act shall hereafter read as follows:

Section 4. The municipal government of the city shall consist of a city council composed of the mayor and two aldermen from each ward, a majority of whom shall constitute a quorum for the transaction of business, except at called meetings or meetings for the imposition of taxes, when two-thirds of a full board shall be required, unless herein otherwise specified. The other officers of the corporation shall be a treasurer, an assessor and collector, a secretary, a city attorney, a marshal, and a city engineer, and such other officers and agents as the city council may from time to time direct; provided, that the offices of treasurer, assessor and collector, city attorney, and city engineer, may be dispensed with by an

ordinance of the city council, and the powers and duties herein prescribed for such officers may be conferred by said council upon other officers.

All the above named officers (when not dispensed with as above provided) shall be elected by the qualified electors of said city as hereinafter provided, and shall hold their offices for two years and until the election and qualification of their successors.

Provided also, that at the first election for alderman in any new ward defined by the city council there shall be two aldermen elected, the one receiving the highest number of votes cast shall hold for two years, and the one receiving the next highest number of votes cast shall hold for one year, and thereafter one alderman shall be elected at each annual election for two years, as in the wards now existing in said city and at each annual election thereafter there shall be an alderman elected from each ward in said city as at present who shall hold his office for two years.

Provided also, that if this act shall take effect before the general election in said city to be held on April 4th, 1899, that any of the above named officers heretofore elective by the city council and who are to be selected for the next two years, may be voted for and elected at said general election without previous notice by proclamation.

SEC. 2. It being important that the city of Paris should immediately have the benefit of this act on account of the near approach of its general city election, an emergency is created that this act take effect and be in force from and after its passage and it is so enacted, and the near approach of the close of this session creates an imperative public necessity and emergency, demanding the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 26, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 99, nays 0.]

Approved March 28, 1899.

Became effective March 28, 1899.

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## JACKSONVILLE—REPEALING INCORPORATION.

S. B. No. 245.]

### CHAPTER V.

An Act to repeal an act to incorporate the town of Jacksonville, in Cherokee county, Texas, passed at the session of the Thirteenth Legislature.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That an act to incorporate the town of Jacksonville, in Cherokee county, Texas, passed at the session of the Thirteenth Legislature, on May the seventh, 1873, and became a law without the signature of the Governor, be and the same is hereby repealed, and any valid debt now existing against said town of Jacksonville, in Cherokee county, Texas, shall be held good against said town until paid.

SEC. 2. That the large amount of business remaining to be disposed of before final adjournment of this session creates an imperative public necessity and an emergency which authorizes the suspension of the constitutional rule requiring bills to be read on three several days, and such

rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives by a two-thirds vote, yeas 88, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the thirteenth day of April, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

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## EL PASO—AMENDMENT TO ITS CHARTER.

S. B. No. 235.]

### CHAPTER VI.

An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142. of an act entitled "An Act to grant a new charter to the city of El Paso," approved March 2, 1889, and the acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, and fixing the time of holding elections.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the following sections of the act of the Legislature, entitled An Act to grant a new charter to the city of El Paso, approved March 2nd, 1889, and of the acts amendatory thereof, be so amended as to hereafter read as follows:

Section 137. The city council shall have full power to extend, vacate, open, widen, grade, gravel, pave, macadamize, or otherwise improve and keep in repair, in any manner that it may deem proper, or cause the same to be done, any street, sidewalk, alley, avenue, highway or lane, or any part of the same, within the limits of the city, and to provide for defraying the cost and expenses thereof. And the said city council shall also have power to make, levy and collect assessments against the owners of the lots or pieces of ground abutting on the portion of the street, sidewalk, alley, avenue, highway or lane so extended, opened, widened, graded, graveled, paved, macadamized, improved or repaired, and upon and against the said lots and pieces of ground so abutting, to the extent of two-thirds of the reasonable cost and expense of said work; provided, that in making and levying said assessments, due regard shall be had and due consideration given as to any special benefits or injury that may accrue to or be caused to said abutting property; and provided further, that the city council may in its discretion, require the work of constructing all sidewalks, including material, curbing and guttering, and the keeping of the same in proper repair, to be done and the cost thereof defrayed entirely by the property owners of the lots or pieces of land abutting on the same. And whenever the city council may order the construction of any sidewalk to be done by the abutting property owner or owners, it shall specify the kind required to be constructed and the width of the same, and the material to be used, and thereupon the city engineer shall issue a reason-

able notice of at least five days, which shall be served upon the owner of such abutting property, or his agent, if in the city, or if such owner or agent be out of the city such notice shall be published in some newspaper published in the city of El Paso, once in each week for four consecutive weeks, such notice shall state the place where such sidewalk is required to be constructed, the width and the material to be used, and the period within which it must be done, and that such owner must proceed to construct the same, or appear before the city council at a designated meeting and show cause why the same should not be done; and if such owner shall not construct the same within the time and as required by the city council, or shall not be excused from doing so by said council, the said city council may cause the same to be done under the direction of the city engineer, or other competent officer or committee, or may as it deems best, receive bids for doing the same and may cause the same to be done under contract and under such conditions, specifications and terms as may seem advisable and for the best interests of the city and the abutting owner, and the costs of the same shall be levied and assessed against such abutting property and shall be secured by a lien thereon and shall also be a personal charge, claim and debt against such owner, which may be enforced as other assessments herein mentioned. And these provisions shall apply not only to the original construction of said sidewalks but to all such repairs as may be required and ordered by the city council.

Section 138. Such assessments as may be made under the preceding section shall be made and levied on all the lots and pieces of ground abutting upon the part or parts of the street, sidewalk, alley, avenue, highway or lane that may be thus opened, widened, extended, improved or repaired as aforesaid, and shall be secured by and shall constitute valid liens upon and against such abutting lots and pieces of ground. The said assessments also shall, as far as practicable, be uniform and just as between all parties to be affected thereby, and as against any particular piece or parcel of ground should not exceed the special benefits accruing thereto from the work, improvement or repairs for which such assessments may be made.

Section 140. When the city council shall determine by a vote of at least three-fourths of the aldermen constituting said council to do or cause to be done any of the work mentioned in Section 137, for which a special assessment is to be made and levied, it shall by resolution, declare such work necessary to be done, and for the public interest, and shall cause an estimate of the probable cost and expense thereof to be made by the city engineer or some other competent officer or committee of the city, who shall report the same without unnecessary delay with a list and fair description of the lots and pieces of ground abutting on the proposed work, improvement or repair, and the names of the owners of the same, if known, with such other data and information as the said council may require; and thereupon notice by publication once each week for four consecutive weeks in a newspaper published in said city, shall be given to the owners or persons interested in said abutting property of the proposed assessments thereon, and of the time when, and place where, they may appear and contest the same if they see proper so to do. And where practicable, personal service of at least five days may be substituted for the above published notice and may be made on such owner or person interested, or on their agent, by the chief of police, or any officer of said city, or

by any person who can make oath of such service. And after such notice the said city council may hear any one interested that may be opposed to such assessment, and determine the justice, expediency and reasonableness of such assessment, and may estimate the cost and expense of said work, improvements or repairs, and make provision to defray the same by the city paying at least one-third thereof and the owner or owners of said abutting property paying two-thirds or the balance thereof. And the said council may, duly considering the special benefits or injury that may accrue to or be caused to the abutting property, make, levy and collect such reasonable assessments on and against the said abutting property and against the owners thereof, as may be necessary to defray the said two-thirds or balance of the said cost and expenses. And the said assessments shall be a charge and lien upon and against the said property until the payment of the same, as well as a personal debt and claim against the owner or owners of said abutting property at the time of said assessment.

When the city council has determined upon the work, improvement or repairs aforesaid, for which the assessment aforesaid is to be made, and given the notice as aforesaid, and made the assessment as aforesaid, it may cause said work, improvement or repairs to be done under the direction of the city engineer or other competent officer or committee, or may, as it deems best, receive bids for the same, and may cause the same to be done under contract and under such conditions, specifications and terms as may seem advisable and for the best interests of the city and abutting proprietors; and should any assessment made prove insufficient to meet actual cost and expenses, such other reasonable assessments as may be necessary, may be made.

Section 141. In making and levying the assessments aforesaid, the city council shall specify the lots and pieces of ground, on and against which the same is made, by such description as will fairly and reasonably designate the same, and shall name the owner or owners at the time of such assessment, if known, or if not known, shall designate them as unknown; and such assessments shall become due and may be collected by the city assessor and collector, or by such other officer as may be authorized to do so by the city council, as the said work, improvement or repairs are completed; and if not paid within thirty days after becoming due, there shall be added thereto a penalty of ten per cent. on the amount of the assessment, which shall be secured and collected in the same manner as the said assessment.

Section 142. The cost and expenses of doing the work, improvements or repairs mentioned in Section 137, at the intersections of streets, may be borne and defrayed by the city alone, or, in the discretion of the city council, the owners of the lots or pieces of land forming the respective corners at such intersections, may be required to defray two-thirds of the same, and to enforce and provide for the same, such assessments as are hereinbefore provided for, may be made, and shall be secured by the liens, and shall become the personal debts and claims, and shall be collected in the same manner as the other assessments hereinbefore mentioned. The city council shall have full power and authority to make the foregoing sections and amendments effective, and to pass any necessary ordinances, rules and resolutions and to make any necessary regulations to accomplish the same, and shall also have full power and authority to pass all such ordinances and resolutions as may be necessary to make and levy the

assessments aforesaid, and to secure the same by lien, and to collect the same; and in addition to the power and authority as above granted to the city council to enforce and collect said assessment, it shall have the further power and additional remedy of instituting suit in the corporate name of the city in any court having jurisdiction for the recovery against any owner of abutting property for the amount due by him by reason of the aforesaid costs, expenses and assessments, and for the foreclosure of the assessment lien securing the same.

Section 7. The qualified electors of said city shall on the second Tuesday in April, 1899, elect the following named officers thereof: The mayor, and one alderman from each ward, each of whom shall hold his office for two years, and until the election and qualification of his successor. On the second Tuesday in April, 1901, and on the second Tuesday in April of each and every year thereafter ending in an odd number, there shall be held in said city a general municipal election, at which the qualified electors of said city shall elect the following named officers thereof: The mayor, two aldermen from each ward, a recorder, a treasurer, a city assessor and collector, and a city engineer, and such officers as may under the charter of said city be elective by such voters, each of whom shall hold his office for two years and until the election and qualification of his successor.

SEC. 2. All sections of the act creating a charter for the city of El Paso and amendatory thereof in conflict herewith are hereby repealed.

SEC. 3. The provisions of this act shall be deemed a public act, and all persons and all courts and officials of this State shall take public judicial notice of this act as such public act and be governed thereby.

SEC. 4. The near approach of the close of the session and the crowded condition of the calendars of both bodies of this Legislature and the great need for the speedy passage of this act into a law, creates an emergency and an imperative public necessity exists requiring the suspension of the rule that all bills shall be read on three several days in each house and said rule is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 28, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 86, nays 3.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the thirteenth day of April, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective 26th day of April, 1899.

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## FORT WORTH—GRANTING IT A NEW CHARTER.

S. B. No. 327.]

## CHAPTER VII.

An Act to incorporate the city of Fort Worth, and to grant a new charter to said city.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That all the inhabitants of the city of Fort Worth as the same is hereinafter limited and bounded be, and they and their successors are hereby organized as a municipal corporation and are created and constituted a body politic and corporate with perpetual succession under the name and style of the "City of Fort Worth," and as such they and their successors shall succeed to, own and possess all the property, whether real, personal or mixed, and all the franchises, rights, privileges, powers and immunities now belonging to, possessed or enjoyed by the present corporation known as the city of Fort Worth, which present corporation was created and now exists under and by virtue of an act of the Legislature of the State of Texas, approved March 20, 1889, and amendments thereto, and shall become and be subject to and liable for all bonds, notes and other obligations, and all judgments and other debts for which the present corporation is now in law liable and bound, and the said inhabitants and their said successors, as a corporation and by and under their corporate name aforesaid, shall sue and be sued, implead and be impleaded, complain, intervene and defend in all courts, whether of law or equity, and in all actions and suits of whatsoever kind or character without hindrance or impediment of any kind or character, and under said name may purchase or otherwise acquire and hold and may sell, lease, or otherwise alienate or dispose of any real, personal or mixed property, either within or without the limits of said city, and may condemn, and upon compensation duly paid, may thereby acquire such real estate or personal property or both, whether within or outside of the limits of said city, as in the judgment of its city council is or may become necessary or requisite for creating and preserving a supply of water for said city or for carrying and conducting the same to consumers, or in any way to facilitate and assist in supplying water to said city and its inhabitants, or for hospital purposes, or to establish and maintain a place for the reception of persons exposed to, or infected with contagious and other diseases or suspected of such infection, or to establish places for the deposit, consumption or destruction of garbage, filth and refuse, or in any way to aid in the preservation of the public health, and said inhabitants as a corporation and under the corporate name aforesaid may also condemn and thereby acquire real and personal property within said city for any other lawful public purpose, and shall also have, exercise, enjoy and possess such other, further and additional powers, rights, privileges, franchises and immunities as are granted and conferred in any other part or parts of this act and charter, and may make, have and use a corporate seal and may change and alter the same and make a new seal at the pleasure of the city council of said city.

SEC. 2. That the limits of said city of Fort Worth as constituted and created by this act and charter, shall hereafter be as follows, and shall embrace all the territory included within the following boundary lines,

towit: Beginning at the northwest corner of the A. Gohenant survey, thence south to the northwest bank of the Clear Fork of the Trinity river; thence up along the said bank of the Clear Fork to the north line of the J. M. C. Lynch survey; thence west 1450 feet; thence south to the said northwest bank of the Clear Fork of the Trinity river; thence up the northwest bank of said Clear Fork to the south line of the George Shields survey; thence east to the southeast corner of the George Shields survey, thence south along the west line of the S. G. Jennings, W. M. Welch, Peter Rouche and J. N. Ellis surveys; to where the south line of a street on the south of blocks 25, 26, 27 and 28 of Fairmount addition intersects the said west line of the J. N. Ellis survey; thence east on the said south line of said street and south line of Jessamine street, and continuing east in a line with the south line of Jessamine street to the east line of the M., K. & T. right of way; thence northwardly with the east line of said right of way to the south side of Elmwood street; thence east along said south line of Elmwood street to a point three-fourths of a mile south of the southeast corner of the M. A. Jackson survey; thence north to the southeast corner of the M. A. Jackson survey; continuing north along the east line of the M. A. Jackson and the B. F. Crowley surveys to the northeast corner of the B. F. Crowley survey; thence west along the north line of the B. F. Crowley and R. Briggs surveys to a point one-fourth of a mile east of the northwest corner of the R. Briggs survey; thence north 1200 feet; thence west to the west bank of the Trinity river; thence up along said west bank to the north line of the M. Baugh survey; thence west to the point of beginning.

SEC. 3. The said city of Fort Worth is hereby divided into nine (9) wards, being the same number now existing in the present corporation, and the boundaries of each of said wards shall be and remain the same as those existing at the time of the enactment of this law, but it is expressly provided that the city council of said city shall have power by a two-thirds vote of all the aldermen elected to change the boundaries of the present wards so that each ward will contain as nearly the same number of male inhabitants as in the judgment of the city council is practicable, but no such change shall be made unless it be done not less than six months before the next ensuing election for aldermen.

SEC. 4. The municipal government of said city is hereby vested in a city council, which shall be composed of the mayor and one (1) alderman from each ward. A majority of the aldermen elected shall constitute a quorum of the council for the transaction of business, except at call meetings at which the presence of not less than two-thirds of the aldermen elected shall be required, and no taxes shall be imposed nor shall any bonds of said city be ordered issued unless at a regular meeting with at least two-thirds of the aldermen of said city present, and a two-thirds vote of all the aldermen elected shall be required in the levy of all taxes and in ordering the issuance of the bonds of said city.

SEC. 5. The other officers of said city shall be a treasurer, an assessor and collector of taxes, a city secretary, a city attorney, a marshal, a recorder, a city engineer, a street commissioner, a chief of the fire department, a superintendent of water works, an inspector of water works, a secretary of water works, a city auditor and a city physician, who shall also be the city health officer, and such other officers and agents as the city council may from time to time establish by ordinance.



SEC. 6. The mayor, and one alderman from each of the wards of the city of Fort Worth, and the city assessor and collector of taxes, and the city marshal, shall constitute the only officers of said city to be elected by vote of the people, and they and each of them shall hold their respective offices for two years, and until the election and qualification of their successors. The mayor, the city assessor and collector of taxes, and the city marshal, shall be elected by the qualified voters of said city, as hereinafter provided, and the city secretary, the city attorney, the recorder, the city engineer, the street commissioner, the chief of the fire department, the superintendent of water works, the secretary of water works, the inspector of water works, the city auditor, the city physician, and all such officers and agents as the city council may establish, shall be appointed by the vote of a majority of the aldermen composing the city council, and in case of a tie the mayor shall be entitled to cast the deciding vote.

SEC. 7. The city council shall, at its first regular meeting in April, 1899, and every two years thereafter, elect a city secretary, a city attorney, a recorder, a city engineer, a street commissioner, a chief of the fire department, and a superintendent of water works, an inspector of water works, and a secretary of water works, and a city auditor, and a city physician and health officer, each of whom shall hold their offices for two years, and until his successor shall have been elected and qualified. Should said city council fail to elect all or any of said officers at its first regular meeting in April of any year, then it shall do so at the next regular meeting or as soon thereafter as practicable. The city council shall also elect such other officers and agents as it may from time to time constitute, and shall provide by ordinance for the time and manner of their election, but the term of office of such officers and agents shall in no case exceed two years.

SEC. 8. An election shall be held in each of the wards of said city on the first Tuesday in April, 1899, and every two years thereafter, and at each such election there shall be elected by the qualified voters of the entire city a city assessor and collector of taxes, and a city marshal, each of whom shall hold his office for two years and until his successor is elected and qualified. An election shall also be held in each of the wards of said city on the first Tuesday in April, 1900, and every two years thereafter, and at each such election there shall be elected by the qualified voters of the entire city a mayor of said city, and by the qualified voters of each separate ward an alderman for such ward, and said mayor and each of said aldermen shall hold office for two years and until his successor is elected and qualified. Each of the several officers of the heretofore existing corporation, unless theretofore removed, shall continue to hold his office under this charter until his successor shall have been elected or appointed as herein provided, and until such successor shall have qualified according to law.

SEC. 9. All elections by popular vote shall be ordered by the city council, and when any such election shall have been ordered the council shall cause twenty days' notice thereof to be given in one or more newspapers published in said city, which notice shall state the officer or officers to be elected, the places where said election will be held, and the names of the various presiding officers of election. Should the council for any reason fail to order an election or to give notice thereof, the mayor shall make such order or give such notice.

SEC. 10. At the first regular meeting in March each year, or earlier, the council shall designate some suitable place in each ward at which the ensuing election for that year shall be held; and if the council shall neglect or refuse to designate such places or any of them, or if from any cause the places so designated, or any of them, can not be procured for the purpose hereinbefore specified, then the mayor may at any time before the next ensuing election designate such places, and the mayor shall appoint a suitable qualified voter of each ward to serve as presiding officer of elections in the ward in which he is entitled to vote. As soon as practicable after the appointment of presiding officers the city secretary shall give notice of his appointment to each person so appointed. In case a person appointed presiding officer of election fails to attend on the day of the election, or fails or refuses to act, or in case no presiding officer has been appointed, it shall be lawful for the voters of the ward present on that day at the ward voting place to select from among their number a presiding officer to act as such at that election, and the person so selected shall have the same power and authority as if he has been appointed by the mayor or city council, but in such case the managers of the election shall in their returns certify that the presiding officer was appointed from and by the voters at the ward voting place on the day of such election, because there was no regular presiding officer in attendance, or because the regular presiding officer failed or refused to act, as the case may be.

SEC. 11. The presiding officer of each ward shall, on or before the day of election, select from among the qualified voters of the ward three judges and four clerks, and such selections shall be made as nearly as practicable from different political parties, if this be demanded, and if there be present a sufficient number of the party making the demand who are willing and competent to serve in said positions; and said judges and clerks, together with the presiding officer, shall be the managers of the election. Managers of elections shall receive \$2.00 per day for each day of twelve hours or a fraction thereof while engaged in their official duties.

SEC. 12. At all elections held under this law the ballots of each ward shall be taken separately, and the polls shall be opened for one day only from 8 o'clock a. m. until 6 o'clock p. m. Should the polls not be opened promptly at 8 o'clock, the time shall be extended beyond the hour of 6 o'clock so as to secure the full period of ten hours for voting purposes. The managers of elections shall count and cast up the votes for each candidate in accordance with the State laws, and shall sign and certify to the returns in duplicate, one of which shall be sealed up and retained by the presiding officer for use by the council or the courts of the country in any legal investigation of the election; the other copy shall be sealed up with the name of the presiding officer written across the seal, and shall be by one of the managers of the election delivered in open session to the council the next day, or as soon thereafter as practicable. The officer so delivering the same shall make oath before the mayor or one of the aldermen that the returns delivered by him have not been altered or opened since being signed and sealed as aforesaid. As received the city council shall immediately open the returns from each ward and estimate the result, causing the same to be recorded in tabular form in the minutes of the council. Persons receiving the highest number of votes for the various offices shall be declared elected to the offices for which they were respect-

ively voted. The newly elected officers may enter on their duties on the fifth day after election, Sundays excepted; provided, that any officer-elect shall qualify at any time within thirty days; otherwise the office shall be deemed vacant. It shall be the duty of the city secretary to notify all persons elected or appointed to office of their election or appointment, and the aldermen-elect shall convene at the usual place of meeting for the city council on the fifth day, Sundays excepted, after their election, or as soon thereafter as practicable, and shall be installed under the provisions of this law.

SEC. 13. Every person entitled to vote for members of the Legislature of this State, who shall have resided within the limits of the city for six months and in the ward in which he offers to vote for thirty days next preceding any city election, shall be entitled to vote at such election.

SEC. 14. The managers of the elections shall be sworn well and truly to conduct the election without partiality or prejudice and agreeable to law, according to the best of their skill and understanding. The oath shall be administered by the presiding officer to the judges and clerks, and one of the judges, after being sworn, shall administer the same oath to the presiding officer.

SEC. 15. Whenever it happens in an election that there is a tie vote between two or more candidates for the same office, the council shall declare such election void as between such candidates only, and immediately order a new election for the office, giving not less than five days' notice thereof. In the event of the failure of the council to meet to examine the election returns and declare the result, the mayor shall discharge that duty.

SEC. 16. No person shall be eligible to any office of said city, whether elected by the voters or the council, unless he possesses the qualifications of an elector and shall have resided in the limits of the city for twelve months next preceding the election at which he is a candidate. And no person shall be eligible to the office of alderman unless, in addition to the above prescribed qualifications, he shall have been a resident of the ward in which he is a candidate, for at least one year next before such election, and a removal from said ward during the term he is elected shall vacate his office.

SEC. 17. In case there is a vacancy in the office of mayor or of alderman, or any other elective officer, by refusal to accept or failure to qualify, or by death, resignation or otherwise, the city council shall order a new election to fill such vacancy, and all special elections shall be conducted as herein provided for in the annual elections. Provided, that in all special elections to fill vacancies, ten days' notice shall be deemed sufficient. If there is a vacancy in any other office in the city other than mayor and alderman, or other elective officer, or if any person elected to any such other office shall refuse to accept, or fails to qualify, then in any such case the city council shall fill such vacancy, a majority of the council being necessary for the purpose.

SEC. 18. The manner of holding and voting at elections to be held under this act, and the powers and duties of the managers thereof, and the counting of votes, shall be according to the General Laws of this State in force at the time, as far as the same shall be applicable and not in conflict with this act; provided, that the city council shall have full power and authority to pass such laws as it shall deem expedient in respect to

conducting elections and voting thereat, as well as to making returns thereof and prescribing the mode and manner of determining contested elections, not in conflict with the laws of this State.

SEC. 19. Every person elected by the voters of said city or by the city council to fill any office under this act, shall, before entering on the duties of his office, take and subscribe to the official oath provided by the Constitution of this State, and the city council may, by ordinance, require such additional oath as it may deem proper.

SEC. 20. The mayor of the city shall be the chief executive officer of the corporation, and shall be vigilant and active at all times, causing the laws and ordinances of said city to be faithfully executed and enforced, and see that all contracts are fully performed in which the city is interested, and shall cause all limitations and requirements in all grants and franchises conferred by the city council to be strictly complied with, and shall prevent the violation thereof. He shall inspect the conduct of all subordinate officers in the government thereof, and as far as it may be in his power shall cause all negligence, carelessness and positive violation of duty to be prosecuted and punished, and if in his discretion he considers it necessary, he may suspend any official or employe until the next meeting of the city council. He shall have power, when in his judgment the good of the city may require it, to summon meetings of the city council, and he shall, from time to time, communicate to that body such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament and good government of said city. He shall, when present, preside over all meetings of the city council, and in case of a tie shall cast the deciding vote, but he shall not vote in any other case.

SEC. 21. Whenever the mayor shall deem it necessary in order to enforce the laws of the city or to avoid danger or protect life or property in case of riot or other outbreak, or any public calamity or disturbance, or to prevent any contagious or infectious diseases, or when he has reason to fear any serious violation of law and order, or any other danger to said city or the inhabitants thereof, he shall summon into service as a special police force all, or as many of the citizens as in his discretion he may believe to be necessary and proper, and such summons may be by proclamation or order addressed to the citizens generally or those of any ward or subdivision thereof, or the summons may be by personal notification. Such special police force while in service shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same powers while on duty as the regular police force of the city; and any person so summoned and failing to obey, or appearing and failing to perform any duty that may be required by the mayor or by this act, shall be fined in any sum not exceeding one hundred dollars. But it is expressly provided that said city shall not become or be liable or neld for any damages or injuries to person or property arising from the failure of the mayor or any police or other officer or employe to enforce the provisions of this charter or of any law of this State or ordinance of said city, or from his or their negligence while enforcing or attempting to enforce the same.

SEC. 22. The mayor shall have like power with a justice of the peace to administer oaths of office. He shall have authority in case of riots or any unlawful assembly, or with a view to preserve the peace and good order in

said city, to order and enforce the closing of any theatre, ball room, grog shop, tippling house, bar room, or other place of resort, or public room or building, and may order the arrest of any person violating in his presence the laws of the State or any ordinance of the city; and he shall perform such other duties and possess and exercise such other powers as may be prescribed and conferred by the city council.

SEC. 23. All ordinances, resolutions, motions, orders and contracts adopted by the city council shall, before they take effect, be placed in the office of the city secretary, and if the mayor approves thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto. Upon the return of any ordinance, resolution, motion, order or contract by the mayor, the vote by which the same was passed shall be reconsidered; and if after a reconsideration two-thirds of the whole number of aldermen elected agree to pass the same, and their votes are so entered on the journal of the proceedings, it shall be in force from that time, or after publication, or the time expressed for taking effect, as the case may be; and if the mayor shall neglect to approve or object to any proceedings of the city council for a longer period than three days after the same shall have been placed in the secretary's office as aforesaid, the same shall go into effect from that time, or after publication, or the time expressed for taking effect, as the case may be.

SEC. 24. The mayor of said city shall receive a salary payable in monthly installments of the sum of two thousand dollars per annum.

SEC. 25. In case of absence from the city of the mayor thereof, or if the mayor is from any cause unable or fails or refuses to perform the duties of said office, then the president of the city council shall become and be for the time being vested with all the powers, rights and privileges, and shall perform and discharge all the duties and obligations in this charter conferred upon the mayor, and if both the mayor and president of the council are absent from the city or unable or fail or refuse to discharge the duties of the mayor of said city, then and in such case the city council shall appoint one of its members to act as mayor for the time being, and the said president of the city council or other member acting as mayor under the provisions of this section, shall receive the compensation herein provided to be paid to such mayor for the time or times during which such president or acting mayor may be so acting.

SEC. 26. There is hereby created and established a court to be held in the city of Fort Worth, in Tarrant county, Texas, which shall be known as the corporation court of the city of Fort Worth, and shall have exclusive jurisdiction within the territorial limits of said city of all criminal cases arising under the ordinances of said city, and shall also have jurisdiction concurrently with the justice of the peace of the precinct or precincts in which said city is or may be situated of all criminal cases arising under the penal laws of the State of Texas where the offense was committed within the territorial limits of said city and the punishment is by fine and the maximum of such fine under the laws of said State may not exceed \$200. Said courts shall have no civil jurisdiction except for the forfeiture and collection of bonds given in cases or proceedings pending therein. All fines collected upon judgments rendered in said court shall be paid into the city treasury for the use and benefit of said city.

SEC. 27. There shall be no terms of said court and said court shall be

deemed open from 9 o'clock a. m. until 6 o'clock p. m. of every day, Sundays alone being excepted, and all applicable rules relating to process, pleading, practice and procedure now established for the county courts of Texas shall apply in said corporation court in Fort Worth except that all criminal proceedings and prosecutions in said last named court shall be commenced by complaint, which shall run in the name of the State of Texas, and shall conclude against the peace and dignity of the State, or if any offense is charged under an ordinance of said city the complaint may also conclude against the ordinance of said city in such cases made and provided. Every complaint filed in said court shall be verified by affidavit, and such complaint may be sworn to before the recorder, the city secretary, the city attorney, or any assistant city attorney, and for the purpose aforesaid each and every one of such officers are hereby empowered to administer oaths, or such complaints may be sworn to before any officer authorized by law to administer oaths. Except as herein otherwise provided the rules and regulations now in force regulating complaints in criminal cases in justice courts shall apply to and govern complaints in the Fort Worth corporation court. Said last named court shall have a seal upon which there shall be engraved a five pointed star and the words "Corporation Court in Fort Worth, Texas," and the impress of said seal shall be affixed to all process except subpoenas issued out of said court and shall be used to authenticate the official acts of the city secretary as clerk of said court and of the recorder as judge thereof, and the said city secretary is hereby constituted the clerk of said court, and it shall be his duty to keep a record and minutes showing all the orders and proceedings of said court and to collect and receive all fines, costs and fees imposed in said court and to pay the same over to the city treasurer.

SEC. 28. All prosecutions and proceedings of a criminal nature in said court, whether under a city ordinance or under a State penal statute, and all process issued out of said court shall run in the name of the State of Texas, and all such process shall be executed and served by the marshal, deputy marshal or any policeman of said city under the rules and regulations as are provided by law for the services by sheriffs and constables of process issued by county courts in so far as such rules and regulations are applicable to process from the corporation court in Fort Worth, and there shall be taxed against and collected of each defendant in the case of his conviction in said court the same costs and fees for the recorder and marshal and for the city attorney, as are now provided by law for the justices and constables and for the county attorney respectively in criminal cases in justice courts, and for the city secretary acting as clerk there shall be taxed and collected the same fees and costs as are now allowed by law to the county clerk for like services in criminal cases in the county courts, and said fees and costs shall be paid into the city treasury and disposed of as the city council shall direct. The judgments of said court shall be enforced by imprisonment of any defendant or defendants adjudged guilty therein until the fine, costs and fees assessed against said defendant shall have been paid or until the same shall have been satisfied at such rate per day during imprisonment at hard labor as the city council of said city may provide, and any such judgment may also be enforced by execution against the property of the defendant or defendants adjudged guilty therein.

SEC. 29. Said court shall be presided over by a judge, who shall be known as the recorder, and said recorder shall be elected by the city council of the city of Fort Worth, and unless sooner removed shall hold office for two years and until his successor has been elected and qualified. The recorder shall reside within and be a qualified voter of said city, and he shall also be a person learned in law, and he shall have full power and authority to enforce all process of said court and punish witnesses for failing to obey subpoenas and to compel their attendance by process or attachment and to punish all contempts of his court by fine or imprisonment, or both, and he may require of any person or persons arrested a bond or bonds for good behavior, binding such person or persons to keep the peace, or he may require of such person or persons a bond or bonds for his or their appearance before said court, and no such bond shall be taken except it be executed by a person in whose behalf it is made with two or more good and sufficient sureties to be approved by said recorder, and all bonds taken in proceedings in said court shall be payable to the city of Fort Worth. Said city shall also have power and authority to administer official oaths and affirmations and to give certificates thereof, and either the said recorder or the city secretary acting as ex-officio clerk of said court, shall have full power and authority to issue subpoenas, writs of *capias*, warrants of arrests, search warrants, executions and all other process known to the law, which justice courts are by law authorized to issue in similar cases. If for any cause the recorder shall temporarily fail to act, then and in such case the mayor, or in his absence, inability or disqualification, the acting mayor of said city is hereby authorized to appoint some qualified person who shall act in the place and stead of said recorder, and who shall have all the powers and discharge all the duties of said office and shall receive the compensation therefor accruing while he is so acting.

SEC. 30. The recorder shall receive a salary of twelve hundred dollars per annum, payable in monthly installments.

SEC. 31. All jurors in said court shall be residents of and qualified voters within the city of Fort Worth and shall be otherwise possessed of all qualifications required of jurors in county courts and they shall be summoned and selected in such manner as the city council of said city has provided or at any time hereafter may provide by ordinance.

SEC. 32. Appeals to the county court of Tarrant county from convictions in said corporation court in Fort Worth shall lie in all cases, and such appeals shall be governed by the same rules of practice and procedure as are now provided by law in such cases of appeals from a justice's court to the said county court in so far as said rules are applicable.

SEC. 32a. The foregoing seven sections are hereby declared to be cumulative to an act passed by the 26th Legislature, entitled "An Act to establish and create in each of the cities, towns and villages of this State a State court to be known as the corporation court in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts."

SEC. 33. The marshal of the city shall be ex-officio chief of police, and shall have power to appoint one deputy who shall be paid by the city, and he may appoint additional deputies to be paid by himself, and shall appoint all policemen of said city, and all deputies and policemen shall be subject to the confirmation of the city council, and he shall in

person or by deputy attend upon the corporation court while in session and upon meetings of the city council, and he shall promptly and faithfully execute all writs and process issued from said court. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quieting riots, disorders and disturbances of the peace within the limits of the city, and he shall take into custody all persons offending against the ordinances of the city or committing any offense within the jurisdiction of the corporation court of Fort Worth, and shall have authority to take suitable and sufficient bail for the appearance before said court of any person charged with an offense within its cognizance and jurisdiction. It shall be his duty to arrest without warrant all persons violating the public peace and all who obstruct or interfere with him in the execution of the duties of his office, and all persons guilty of any disorderly or unlawful act or offense whether in his presence or upon the complaint of any citizen. To prevent a breach of the peace or preserve quiet and good order he shall have authority to close any theater, barroom, drinking house or any other place or building of public resort, and in the prosecution and suppression of crimes and arrest of offenders he shall have, possess and exercise like power, authority and jurisdiction with the sheriff of the county under the laws of the State. He shall have power to suspend policemen, subject to ratification by the council. He shall receive a salary of two thousand dollars per annum, payable in monthly installments. He shall give a bond, payable to the city, with good security, conditioned for the faithful performance of his duties in accordance with this charter and ordinances of the city, in such amount as the city council may require, said bond to be approved by the city council, and he shall perform such other duties and possess such other powers, rights and authority as the council may by ordinance require and confer.

SEC. 33a. Policemen of the city of Fort Worth may make arrests without warrant and without warrant may arrest any offender or person or persons charged with an offense in any of the following cases, to wit: When any felony or disturbance, affray or breach of peace or violation of any city ordinance is committed in the presence or within the view of the policeman making the arrest. When a felony or breach of the peace has been committed in the presence or within the view of a magistrate and such magistrate shall verbally order the arrest of the offender. When it is represented to the policeman by some credible person that a felony or disturbance, affray, or breach of the peace or violation of some city ordinance has been committed and that the offender probably will escape if the arrest is delayed to procure a warrant. The city council may establish rules authorizing the arrest without warrant of any person or persons found in suspicious places or under circumstances reasonably tending to show that such person or persons have been guilty of some felony or breach of the peace or violation of some municipal ordinance or are about to commit some offense against some State law or against some municipal ordinance. In all the cases enumerated in this section arrests may be lawfully made by said policemen without warrant and the policeman making the arrest is justified in adopting and may adopt and use any and all measures which a sheriff might adopt in making arrests under a warrant as provided by the State statutes and in every case of an arrest made without warrant the policeman making the same



shall immediately take the person arrested before that magistrate who ordered the arrest, or if the arrest was made without an order, then before the nearest or most accessible magistrate having jurisdiction, where a complaint may be made and a warrant issued or such other action taken as is provided by law.

SEC. 34. It shall be the duty of the city secretary to attend every meeting of the city council and keep accurate minutes and records of the proceedings thereof in a book provided for that purpose, and to engross and enroll all laws, ordinances and resolutions of the city council; to keep the corporate seal and the seal of the corporation court; to take charge of, preserve and keep in order all books, records, papers, documents and files which have been submitted to the city council; to countersign all commissions issued to city officers and licenses issued by the mayor, and to keep a record or register thereof, and to make all notices required under any resolution or ordinance of the city. He shall draw all warrants on the city funds and moneys as directed by the city council, and countersign the same and keep an accurate account thereof in books provided for that purpose. He shall keep in books regular accounts of the receipts and disbursements of the city, showing separately under proper heads each cause of receipt or disbursement; and he shall also keep accounts with each person, crediting amounts allowed by proper authority and specifying the particular transactions to which such entries apply. He shall also keep a register of bonds and bills issued by the city and all evidence of debts due and payable to it, noting the particulars thereof, and all facts connected therewith as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by law, or ordinance, resolution or order of the city council. He shall receive a salary of two thousand dollars per annum, and no more, payable in monthly installments; and he shall give bond with good security payable to the city, in such amount as the council may prescribe, and conditioned for the faithful discharge of his duties in accordance with the charter and ordinances of the city, the same to be approved by the city council. He shall have such assistants, to be paid by the city, as may be needed for the transaction of business relating to his office, the necessity of such assistance to be determined by the council.

SEC. 35. The city treasurer shall be selected by the city council, who shall appoint to such office the highest and best bidder therefor, being the person bidding the best rate of interest on daily balances of city funds in his hands, to be determined by said council upon the submission of sealed bids, which shall be opened only in the presence of said council and at some regular meeting thereof, and the city council shall have the right to reject any and all bids, and the person so selected shall be city treasurer, and he shall hold such office for the term of two years and until his successor is elected and qualified. The first city treasurer under this charter shall be selected at the first regular meeting of the city council held after the city election in the year 1901, and the person so selected and his successors in office shall give bond and shall be officers of said city. The treasurer shall receive and keep the money of the city and pay out the same on warrants drawn by the mayor or acting mayor and attested by the secretary under the seal of the city, and he shall pay out no money except upon such warrants nor shall any warrant be paid unless

it shall show upon its face that the city council has directed it to be issued and for what purpose. The city treasurer shall also render a full and correct statement of his receipts and payments to the city council at its first regular meeting in every quarter and at all other times whenever he is requested by the city council so to do. At the end of every half year he shall cause to be published at the expense of the city a report showing the receipts and expenditures for the half year preceding such report and showing also the general condition of the treasury, and he shall also do and perform all such other acts and duties as the city council may require; provided, that the city treasurer elected at the regular city election held in said city in April, 1899, shall hold his office for two years and until his successor is duly elected and qualified; provided further, that the first election of a city treasurer by the city council under this charter shall take place in April, 1901, or as soon thereafter as practicable.

SEC. 36. The city treasurer shall execute a bond payable to the city in such an amount and in such form as the city council may require, with sufficient security, to be approved by the council, and said bond shall be conditioned for the faithful discharge by the city treasurer of his duties in accordance with the charter and ordinances of the city and shall contain such other conditions as the city council may require. The city treasurer shall also be treasurer and hold and pay out all moneys belonging to the public school fund of said city and he shall give another bond payable to the city in such amount and of such form as may be required by the city council and with sufficient security, to be approved by the council and shall contain such other conditions as the city council may require, and said last mentioned bond shall be conditioned for the faithful discharge by the treasurer of his duties as treasurer by reason of all school funds from any source coming into his hands. The bond of the city treasurer for school funds and his bond for city funds shall be kept at all times in excess of the amount of funds in his hands secured by said respective bonds. And the city council shall require of the city treasurer that such bonds be signed by at least one guaranty or surety company authorized to do business in this State.

SEC. 37. The city council may at any time require of the city treasurer a new bond whenever from any reason said council shall deem the existing bond to be insufficient or a new bond may be required by said city council without any reason being assigned therefor. The amount of the bond required of said city treasurer may be increased or decreased at the pleasure of the city council, and whenever any new or additional bond shall be required said treasurer shall perform no official act until the same shall have been given, and if he shall fail for a period of ten (10) days after such order shall have been made to comply with such order and to give the new or additional bond required thereby to the satisfaction of the city council as evidence by its approval of such new or additional bond then and in every such case the office of city treasurer shall by virtue of that fact and without any notice or any further action whatever shall become and be vacant and a new treasurer shall be selected by the city council for the unexpired term only and the old treasurer shall forthwith pay over and deliver to said new treasurer as soon as the latter shall have qualified and given bond all such funds and moneys with which said old treasurer is chargeable, and all papers, vouchers and books belonging or pertaining to his office.

SEC. 38. The assessor and collector shall make up the assessment of all taxable property within the limits of said city and collect all taxes due the city, and shall make sales of property for due and delinquent taxes thereon, and shall have such other powers and perform such other duties as are prescribed in this act and charter, and shall in the performance of his duties observe the provisions of this act and the ordinances of the city relating thereto. He shall give bond, payable to said city, in such an amount and in such form as the council may require, with good and sufficient sureties; and said council may require one of said sureties to be a surety or guaranty company authorized to do business in this State, conditioned for the faithful performance of his duties in accordance with the charter and ordinance of the city, the same to be approved by the council. The council may require of him a new bond either for the same or for a greater amount whenever they deem the existing bond, for any reason insufficient, and whenever such new bond shall be required he shall perform no official act until the same is given and approved. He shall, at the expiration of every week, pay into the city treasury all money collected by him by virtue of his office, and he shall at the first meeting in every month report to the council the money so collected and paid. He shall do and perform all the duties of his office in such manner and according to such rules and regulations as the council may prescribe, not in conflict with the provisions of this act. He is authorized to require the owners of personal property subject to taxation, to render a correct statement thereof under oath, to be administered by him or one of his deputies, and for this purpose he and his deputies are authorized to administer oaths. He is empowered to appoint one or more deputies, subject to confirmation of the city council, but the salaries of such deputies shall be paid by himself and not by the city. He shall receive compensation for the services of himself and his deputies one per cent. of the amount of taxes collected from real estate and three and one-half per cent. of the amount of taxes collected from personal property and five per cent. of the amount of occupation taxes collected for said city and ten per cent. of the amount of poll taxes collected, to be retained in each case out of the money collected.

SEC. 39. The city engineer shall possess such powers and perform such duties as the city council may require and prescribe, and he shall receive a salary of thirteen hundred and fifty dollars per annum, payable in monthly installments. He shall execute a bond, payable to the city, in such amount as the council may prescribe, with sufficient security, to be approved by the council, and conditioned for the faithful discharge of his duties, in accordance with the charter and ordinances of the city.

SEC. 40. The city attorney shall represent the city of Fort Worth in all cases now pending or hereafter to be brought in any court in favor of or against said city. He shall attend all meetings of the city council and give his advice and counsel when called upon to do so, and he shall render such other professional services as the council may require. He shall have the power to administer oaths in any matter pertaining to the duties of his office. He shall receive a salary of twenty-five hundred dollars per annum, from and after the passage of this act, payable in monthly installments. The council may, when it deems it necessary, employ assistant counsel to assist the city attorney in any matters or suits affecting the city, and may pay said assistant such compensation as may

be agreed upon. The city attorney shall give such bond as the city council may require.

SEC. 41. The city auditor of the city of Fort Worth shall examine, adjust and audit all unsettled accounts, claims and demands against said city for the payment of which any money be required or turned over to the city treasurer, and whenever he thinks proper he shall require accounts, claims, demands or settlements to be verified by affidavit, and after having examined the same with all the accompanying documents and evidence such as he finds to be correct and to be duly authorized by law or by some ordinance, resolution or proceeding of the city council, he shall certify the amount owing by the city thereon and the true state thereof and report the same to the city council, and no account, claim or demand whatsoever against the said city shall be paid without the same first shall have been submitted to and examined and approved by said auditor. He shall also examine all the principal records of the several city officers and point out any error or irregularity he may detect in the same, and he shall examine the official books, accounts and reports of every officer of the city who receives or pays out any money of said city and report to the city council any mistake, illegal charge or irregularity discovered by him therein. He shall also examine into the rates charged to consumers of water, and from time to time shall report to the city council whether such rates are regular, uniform and scaled as required by the ordinances of said city council. At least once a month he shall make out and present to the city council a statement of the revenues, funds and income of the city and of its expenditures and disbursements since last reporting. It shall be his duty, whenever he is so required, to furnish in writing to the city council information upon any subject connected with his office, and to suggest plans for the management of the income and the liquidation of debts, claims and demands for which the city is liable. He shall also furnish to the mayor or city council, or to any committee thereof, any information in his possession relating to his office or to the revenue of the city, and he shall at all times permit the mayor, or any alderman, or any other officer interested, to examine any books, papers or documents of any kind in his office. He shall at all times have free access to the books, records, reports, papers, accounts, receipts, permits and estimates of any office of the city government, and do every other thing necessary to give him full information upon matters being investigated by him. He shall keep all necessary books to show the transactions of his office, and with the approval of the city council, he shall establish proper rules for the government of his office, and prescribe the forms of accounts and all certificates and receipts to be attached thereto. He shall keep his office in such place as is designated by the city council, and shall give such bond as the council may prescribe, to be approved by the mayor, conditioned for the faithful performance of all his official duties. He shall be paid a salary of fifteen hundred dollars per annum, and the same shall be paid in monthly installments.

SEC. 42. The city council may from time to time require other and further duties of all officers whose duties are herein prescribed, and fix, if need be, compensation for such extra duties, and define and prescribe the duties and powers of all officers appointed or elected to any office of the city, and whose duties are not specially herein mentioned, and fix their compensation when not herein fixed. They may also require bonds

to be given to said city by all officers for the faithful performance of their official duties. The council shall also provide for the filling of vacancies in all offices not herein provided for, and in all cases of vacancies the same shall be filled for the unexpired term only. No officer elected by the council shall hold office longer than the continuance of the council electing him, except school trustees and other officers whose terms are herein provided.

SEC. 43. The city council shall be composed of the mayor and aldermen of said city and shall meet at such times and places as it may from time to time designate, either by resolution or by ordinance. At the first meeting of each new council, or as soon thereafter as may be practicable, it shall select one of its own members to be president of the council, who shall be mayor pro tem., and the president so selected shall hold his office for the term of one year. In case both the mayor and the president of the council are absent from any meeting, the council shall appoint some one of its members then present to act as mayor and to preside at such meeting, and said member so selected shall act as mayor until the mayor, or mayor pro tem., returns to duty or until next meeting of the city council.

SEC. 44. Special meetings of the city council may be called by the mayor and the same shall be called by the mayor upon the written application of any three or more of the aldermen. If in any case the mayor when requested so to do by three or more aldermen shall fail or refuse to call a meeting of the council, then such meeting may be called by a majority of the aldermen, who shall give the same notice as the mayor is required to give, and shall also notify the mayor. Written notices of special meetings shall be served personally upon or left at the usual place of business or at the residence of each member of the city council and the city secretary and city attorney. The council shall determine the rules of its proceedings and be the sole judge of the election and qualification of its members, and have the power to compel the attendance of absent members and punish any member for disorderly conduct. Petitions and remonstrances may be presented to the council in writing only, and all notices required by law to be given to the city shall be served upon the mayor or city secretary.

SEC. 45. The city council of said city shall have, possess, exercise and enjoy the following expressed powers, upon which its judgment shall be final and conclusive, to-wit:

To manage and control the finances of the city and all of its property, whether real, personal or mixed.

To appropriate money, and to provide for and direct the payment of the debts and expenses of the city.

To provide by ordinance special funds for special purposes and to make the same disbursable only for the purposes for which the fund was created, and to impose penalties for disbursing said special funds for any purpose other than as provided by ordinance.

To provide by ordinance for the payment of any existing or outstanding indebtedness of the city, and for the payment of any bonds that may from time to time be issued, and to assess, levy and collect a special tax for that purpose.

To provide by ordinance for the refunding at a lower rate of interest of all or any part of the present or future bonded debt of the city,

and for that purpose to issue, negotiate and sell at not less than par any amount of the bonds of said city redeemable at its pleasure at any time after five years from the date of their issue, not to exceed the amount of its bonds now outstanding; to assess, levy and collect a special tax for interest and sinking fund on said bonds.

To fund any valid outstanding indebtedness of said city into bonds bearing interest at a rate not to exceed four (4) per centum per annum, redeemable at the pleasure of the city at any time after five years from the date of their issue, but such bonds shall not be sold at less than par and accrued interest, and they shall be considered and counted in determining the aggregate of the city's bonded debt with reference to the limit fixed thereon in this charter.

To appropriate so much of the revenues of the city emanating from any source whatever, and not herein otherwise expressly appropriated, and to use the same for the purpose of retiring and discharging the accrued indebtedness of this city, and for the purpose of providing and maintaining a sufficient and wholesome supply of water for the use of its inhabitants, and of improving its streets, and of erecting and maintaining a city hall, city hospital, school houses, water works, fire halls, sewers and such other public improvements as said council may from time to time deem expedient.

SEC. 46. That no bonds shall ever be issued by said city in excess of five per cent. of the total assessed values of the property in said city, and then only upon the vote of the tax-payers of said city, and before any such election shall be held, the same shall be ordered by two-thirds of all the elected city council at a regular meeting held by such council; and after ten days has been allowed for the registration of the qualified voters, tax-payers of said city, and the said council shall make provision for such registration and give due notice thereof, and of the time and place of registration, and of the time and place of voting, and shall in such notice specify the purpose of such election. At such election, none but duly registered tax-payers of said city shall be entitled to vote, and a majority of all such registered voters, voting at such election, shall be necessary to carry such election. The said bonds, when issued, shall not run for a longer period than twenty years, and shall be redeemable at the option of the city, after five years from the date of issuance; shall bear no greater interest than five per centum per annum, and shall never be sold for less than par value, accrued interest included, and all bond issues authorized as herein provided for, shall provide for the levy and assessment of a sufficient tax to pay the annual interest and create a sinking fund sufficient to pay off bonds at maturity. The city of Fort Worth shall not have power to issue or have outstanding the promissory notes of said city for any greater amount than twenty-five thousand dollars, and the promissory notes of said city shall not bear a greater rate of interest than eight per centum per annum; provided, that said city council shall have the right, in case of public calamity threatening or affecting the people of said city, to issue notes in an additional sum of twenty-five thousand dollars, to bear interest not to exceed eight per cent. per annum.

SEC. 47. Each bond issued under the provisions of this charter shall be payable at such place or places as may be fixed by ordinance, and shall specify the purpose for which it was issued and shall not be invalid if sold at less than par, and the proceeds of every series of such bonds shall be

used for the purpose for which it was issued and for no other purpose whatever, and each such bond shall be signed by the mayor, and countersigned by the city secretary with the impress of the city seal affixed thereto.

SEC. 48. When any bonds or notes are issued under the provisions of this charter, the city council shall, at the same time, make provisions to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two (2) per cent. thereon, and the funds so provided for, interest and sinking fund, shall not be diverted nor drawn upon for any other purpose, and no drafts or warrants upon said fund shall be honored except such as are drawn to pay interest on the bonds or to invest the sinking fund in some manner authorized by law.

SEC. 49. The city council shall have power to invest any sinking fund provided for the payment of any of its bonds, in bonds of the United States, or in bonds of the State of Texas, or in the bonds of any county within the said State, or in bonds of the city of Fort Worth only after such State, county or city bonds have been approved by the Attorney-General and registered by the Comptroller, as required by law.

SEC. 50. Before the delivery of any bonds issued under the provisions of this charter, it shall be the duty of the mayor, whenever any such bonds are issued, to forward the same to the Comptroller of Public Accounts of the State of Texas for registration, and to send with them a statement of the value of all taxable property, real and personal, within said city, and a statement of the amount of tax levied for the payment of interest and to create a sinking fund, and the mayor shall also furnish and forward any other or further information required by the Comptroller and in any wise affecting the validity of said bonds.

SEC. 51. If any bonds presented to the Comptroller for registration shall, after full investigation and inquiry, appear to have been illegally issued, the Comptroller shall refuse to register the same, and shall return them to the mayor with a statement of the reasons assigned for refusing to register said bonds, but if said bonds or any of them shall appear to have been issued according to law, then the bonds so issued shall be registered by the Comptroller in a book or books kept for that purpose and the Comptroller shall endorse his certificate of registration upon each bond so registered and at the request of the mayor or city council, shall give a certificate showing the amount of bonds so registered in said Comptroller's office up to the date of such certificate and the purpose for which issued, and any other information respecting the same which appears upon the books, files and records of his office.

SEC. 52. Bonds registered as herein provided and afterwards delivered, shall not be subject, after such registration and delivery, to any defense or defenses that may have existed prior to said registration and delivery and this shall be stated on the face of the bonds, and it is hereby made the duty of said Comptroller to see that a tax is levied and collected annually by the city sufficient to pay the interest on its bonded indebtedness and to create a sinking fund therefor as required by law, and he shall also see that the sinking fund is invested in good interest-bearing securities of the kind herein specified.

SEC. 53. Whenever any bond of said city shall have been redeemed, paid and cancelled, then the city may issue other bonds in like sum or for like sums of money, up to the amount of the bonds so redeemed, paid and

cancelled, but not to exceed the limit of five per cent., as herein fixed and provided.

SEC. 54. No debt shall ever be created by said city unless at the same time provisions be made to assess and collect, annually, a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent. thereon.

SEC. 55. The city council shall, in not more than ten days after the expiration of each municipal year, caused to be published in the official paper of the city, if it has one, and if not, then in any newspaper published in said city, a full and correct statement of all receipts and disbursements of the city, since the last annual report, together with the sources from which the funds were derived and showing for what purpose disbursed, and the condition of the treasury and of the several special funds, together with such other information as may be necessary to a full understanding of the financial condition of the city.

SEC. 56. The city council shall also have power to provide the city with water or to cause the same to be provided, and for this purpose may make, establish and regulate public wells, pumps, cisterns, hydrants, reservoirs and stand pipes in the streets or at such other place or places as to said council may seem proper, either within or beyond the limits thereof, and shall have full control of the same and of all necessary streams and water courses within the city, and for a distance of ten miles beyond the limits, and said council may establish and maintain a water works department and may appoint officers, agents and employes for the operation thereof, and clothe and vest them with such power and authority as in the discretion of such council may or shall seem proper, and the water works department heretofore established and the ordinances, resolutions, rules and regulations now in force, for the establishment, government and maintenance of said department, and all other ordinances of said city, shall continue in full force and effect until and except as the same may or shall be altered, changed or modified by said council. The superintendent of water works and electric light department shall be the chief executive officer of the water works and electric light department and shall have such powers and be subject to such duties as the city council may prescribe, and for such services he shall receive a salary of two thousand dollars per annum, to be paid in monthly installments. The secretary of the water works shall be the accountant and bookkeeper of the water works department, and shall have custody and care of all books and papers relating thereto, and shall collect and account for and turn over all moneys owing to said department. He shall also perform such other duties as the city council may prescribe, and shall receive for his services a salary of fifteen hundred dollars per annum to be paid in monthly installments. The inspector of water works shall examine, inspect and report upon the condition of all water works property and fixtures, and perform and discharge such other duties as the city council may prescribe, and for his services shall receive a salary of twelve hundred dollars per annum to be paid in monthly installments. The superintendent of water works, the secretary of water works and the inspector of water works shall each give bond in such sum and with such conditions as the city council may require.

SEC. 57. Whenever, in the opinion of the city council, it becomes or is necessary to take any private real estate or other property situated



either within or outside of the limits of said city for use in the construction of water mains, dams or reservoirs, or to be used in any way for impounding and storing water and to increase the water supply for said city, then said real estate and other property may be taken for any or either of said purposes by first making just compensation for the same to the owners thereof. If the amount of such compensation cannot be agreed upon, it shall be the duty of the city council to cause proceedings to be had for the condemnation of said real estate or other property as in the case of property taken for streets or for sewer purposes.

SEC. 58. The city council shall also have exclusive control and power over the streets, alleys, crossings, highways and public grounds in the city, and shall have full power to abate and remove all encroachments or obstructions thereon and to open, alter, widen, extend, establish, regulate, grade, pave, clean or otherwise improve said streets; provided, that Main street, Jennings avenue and Adams street in said city of Fort Worth, as they now exist are hereby declared open streets and public highways across what is known as the Texas & Pacific Railway Company reservation in said city, as they now cross said reservation, and no permission shall ever be granted to said Texas & Pacific Railway Company, or its assigns, or to any other railway companies or company or to any other corporation or person, to lay, erect or construct any other, further or additional railroad tracks, switches, spurs or turnouts across or along or upon said Main street or Jennings avenue, or either of them, or to alter or change the grade of any existing track or tracks along or across or upon said Main street or Jennings avenue where said streets cross said reservation, unless such company or corporation, shall, before laying or constructing said other or additional track or tracks or altering or changing the grades of any existing track or tracks, construct across all existing tracks and such additional tracks, a safe and sufficient viaduct, the various members of which shall be so designed as to carry all traffic with usual factors of safety and of sufficient height to permit all trains to safely pass thereunder, and of sufficient width to permit the laying of two street car tracks in the middle of the same with a roadway of fifteen and one-half feet in width on either side of said street railway track and a sidewalk on brackets eight feet wide on each outside of said roadway. Such viaduct to be built of steel with proper supports and approaches and to be constructed under the supervision and to the satisfaction of the city engineer and city council.

Such approach on Jennings avenue to be built on a grade of not to exceed seven and one-half per cent. and to extend no further north on said Jennings avenue than 160 feet north of the north line of said reservation, the same being the south line of North street, sometimes called Front street, and such approach at Main street to be constructed on a grade not to exceed eleven and one-half per cent. and to extend no further north than ten feet north of the north line of said reservation, the same being the south line of said North or Front street; the approaches at the south end of said viaduct shall be constructed on a grade of not to exceed six per cent. and shall extend no further south than 30 feet south of the south line of said reservation, the same being the north line of Railroad avenue; provided, that after the completion of said viaduct and approaches the city council of the city of Fort Worth may by proper ordinance assume the control, management and maintenance of the same, under such terms

and conditions as such council may deem expedient, and may permit the laying, under the supervision of the city engineer, of not more than two street railway tracks over said viaduct and approaches, to be laid in the middle thereof, but no exclusive franchise shall ever be granted to any such company or companies over such viaducts or approaches.

The city council shall also have power to put drains and sewers in said streets, alleys, crossings, highways and public grounds and to prevent the encumbering thereof in any manner and to protect the same from any encroachment or injury. And to abolish, erect, construct, regulate and keep in repair bridges, culverts, sewers and crossways, and to regulate the construction and use of the same and to abate and punish any obstructions or encroachments thereon and any obstructions or encroachments on the sidewalks, curbing and gutters of said city. And to regulate the plumbing in said city and the use and mode and manner of supplying electricity and the use of electrical machinery, fixtures and appliances.

SEC. 59. The city council shall have full power to establish, regulate and change the grade of streets, alleys and sidewalks, and to require the same to be raised and lowered as in the judgment of said council may be or become necessary, and to regulate and alter the grade of premises within the limits of said city, and to require the same to be raised or lowered so as to conform to the grade of any street or streets on which it abuts. To prevent any street, alley, sidewalk or other place from being dug up and to prevent the making of excavations therein unless the same be with the permission of the city council or such officer or officers as it may designate and under the direction and supervision of the city engineer, and to require such street, alley, sidewalk or other public place to be repaired and restored to the satisfaction of said engineer. To establish stands for hacks, carriages and other vehicles engaged in carrying goods or passengers for hire, and to prevent the drivers of such hacks, carriages and other vehicles from stopping, standing or detaining the same from soliciting or waiting for employment at any place, on any street, alley, highway or other public grounds in said city except at such stands as said council may establish. To prevent the encumbering of the streets, alleys, sidewalks and public grounds with carriages, wagons, carts, hacks, buggies or any vehicles whatsoever, or with boxes, lumber, timber, firewood, posts, awnings, signs or any other substance or material whatever, or in any other manner whatever; to compel all persons to keep all weeds, filth and any kind of rubbish from the sidewalks and streets and gutters in front of the premises occupied by them, and to require and compel the owners of any real estate to fill up, grade, gravel and otherwise improve the sidewalks in front and adjoining their property. To permit and regulate, or prohibit and prevent, as in its judgment seems best, the laying and repairing of gas and water mains and pipes in said streets, alleys, crossings, highways and public grounds, and to compel any person or persons laying or repairing gas, water, sewer or any other pipes or mains therein, or using such places for building or other purposes, to repair, restore and clean up the streets, alleys, sidewalks or other public places so used. To provide for the lighting of streets, public grounds and public buildings, and to erect and maintain all necessary lamp posts, lamps and other fixtures, and to furnish the citizens of said city with light, and to erect, own, use and operate all necessary machinery, fixtures, appliances and appurtenances of every nature whatever, necessary for said purposes,

and to demand and receive compensation for lights furnished for private purposes, and to provide for the location and regulation of such lights.

To exclusively permit, prevent, regulate, direct and control the establishment and maintenance of electric and other lights and the carrying of electric currents, and the controlling of such currents, and the closing of circuits therefor and the grounding of electric currents, and the erection of telegraph, telephone and electric light or power poles in the streets, alleys, sidewalks and other public grounds, and the construction and maintenance of such poles, and of all wires and appliances, and to provide, fix and enforce rules and regulations therefor, and to impose such terms as they deem proper for the use for any such purpose of the streets, alleys, sidewalks, and to demand and collect for the use of same such compensation as the city council may think proper. To provide for enclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets, sidewalks and public grounds. To provide for sprinkling any and all streets of the city, and the further power to assess, levy and collect a special tax on the property fronting on said streets and against the owner or owners of such property, to cover the entire expense of such sprinkling, but no such tax shall be assessed unless by a two-thirds vote of the entire city council, and the council shall have full power by ordinance to provide for the assessment, levy and collection of said special tax, and the same shall not be considered as within the tax limit hereinafter provided.

SEC. 60. The city council shall also have the sole and exclusive power to prevent, permit, direct and control the laying, construction and maintenance of steam railroad tracks, bridges, viaducts, turn-outs and switches in the streets, alleys and public grounds of said city; to require that all such tracks, bridges, viaducts, turn-outs and switches shall be so constructed, laid and maintained as to interfere as little as possible with the ordinary travel upon and use of said streets, alleys and public grounds, and that if possible sufficient space shall be left on either side of said tracks and other structures for the safe and convenient passage of teams and persons; to require railroad companies using such streets, alleys or other public grounds for any of said purposes, to keep in repair and to light, patrol and guard the same so far as they are used, and to require such companies to construct and maintain in good repair, suitable crossings at the intersection of their tracks with any streets, alleys or other public grounds and to light and guard such crossings; to direct and control the use and regulate the speed of locomotive engines and cars within the limits of the city.

SEC. 61. The city council shall also have the sole and exclusive power and authority to compel horse and electric railroads, or other city street railroad companies, to keep their roads in repair and to make them conform to the grades of the streets upon which their tracks may be laid whenever said streets shall have been graded by the city, and to restrain the rate of speed so as not to exceed seven miles per hour, and to compel said city railroads to supply ample accommodation for the safe and convenient travel of the people on the streets where their tracks may run, and to compel said city railroads to furnish safe, comfortable and convenient cars for the transportation of passengers; to declare their franchises forfeited upon the non-compliance by said companies with the ordinances

of the city, or the conditions or agreement under which such franchises were granted, and to forthwith remove their tracks from any of the streets of the city; to compel street railway companies to permit other companies to use their tracks for the purpose of traffic thereon, for a distance not exceeding three hundred feet, when in the discretion of the city council it may be deemed necessary to the use and convenience of the city and the traveling public; provided, that the provisions as to the use of tracks shall apply to tracks now existing around the court house square for their entire length or width.

SEC. 62. It shall be the duty of the street commissioner to supervise and look after all streets, alleys, avenues, highways and public places in said city and report to the city council or such committee at it may direct all necessary repairs and improvements, and to make the same under the direction of said city council or committee. He shall have control of the calaboose or chain gang of the city, and of all laborers on the city streets, and shall direct their work and employ and discharge laborers under such direction as the city council may give. He shall have no other business or employment. He shall give bond for such an amount and with such conditions as said city council may require. He shall also perform and discharge such other duties as the council may prescribe, and for his services shall receive a salary of twelve hundred dollars per annum, to be paid in monthly installments.

SEC. 63. The city council shall also fix and determine the necessity, nature and extent of sidewalk improvements, repairs and reconstruction, and decide as to the kind of material to be used and the width of the sidewalk, and all details of construction. The cost of constructing or reconstructing any sidewalk (which word as used in this section includes also such curbing and guttering as the city council shall specify in each case) and the cost of keeping said sidewalk in repair, together with the cost of collection shall be paid entirely by the owners of real estate fronting on the sidewalk to be constructed or repaired according to the number of feet of frontage owned by each person, and shall be a charge and lien upon such real estate. Whenever the city council by resolution or otherwise orders the construction, repair or reconstruction of any sidewalk it shall specify the kind of sidewalk required to be constructed or reconstructed or the repairs to be made, the material to be used, the width of the sidewalk and the kind of curbing and guttering, if any, and the details of construction, repairing or reconstruction so far as it may deem such details to be necessary, and its judgment and opinion on such matters shall be final, and thereupon the city engineer shall issue a notice which shall be served upon each owner of such property, if in the city, and if the name of such owner be known, or if such owners shall be out of the city or if the name of the owner be unknown, then notice shall be published for five consecutive days in some newspaper published in the city of Fort Worth, and such notice shall state the place where such sidewalk is required to be constructed, repaired or reconstructed, the kind of sidewalk required and the width thereof, the material to be used and the kind of curbing and guttering, and such details of construction as the council may have provided, and the length of time within which such sidewalk is required to be constructed, repaired and reconstructed, which shall not be more than ninety days from the date of the service of such notice, or from the date of the first publication thereof, as the case may be, and said

notice shall also state that all owners of real estate abutting on said sidewalk must proceed to construct or reconstruct such sidewalk with the required curbing and guttering, or to repair the same as the case may be, or must appear before the city council at a regular meeting thereof, giving the date of such meeting, and show cause why said sidewalk should not be constructed, repaired or reconstructed. If such property owners shall not construct, repair or reconstruct the sidewalk required of him within the time required by the city council in its order or resolution for the construction thereof, and if such owner shall not be excused from constructing the same by the city council, the city council shall advertise for bids for the construction, repair or reconstruction of such sidewalk, and the council shall also inquire into the service and publication of the required notices, and if in the order or resolution of said council providing for advertising for bids for such work said council shall adjudge and declare that due notice has been given to the property owners, then such judgment and declaration shall be conclusive evidence for all purposes, and no contract, charge or lien for the construction, repair or reconstruction of such sidewalk, and no certificate given therefor shall be held to be invalid or to be affected in any wise by any defect in, or objection to any of the said notices. After such advertisement as the city council may cause to be made, said council shall let a contract for the construction, repair or reconstruction of said sidewalks to the lowest responsible bidder in the discretion of the council, preference being given to bidders who will receive compensation for such work in certificates as hereinafter provided. Said city council may include in any single contract any such length or amount of sidewalk as it may deem advisable and proper, and as soon as practicable, after the letting of such contract, the city engineer shall furnish to the city council a statement showing the name of each owner of real estate abutting on the sidewalk so constructed, repaired or reconstructed, if known, and if not known said engineer shall so state, and he shall give to said council a description of the property abutting on said sidewalk, and the cost of the sidewalk immediately in front of the property so improved, such cost to be determined according to the number of front feet in each parcel or lot of land abutting on said sidewalk, and such cost shall be by the city council, by ordinance, levied and assessed against the property according to the statement of the city engineer, and the amount so levied and assessed shall be a lien and charge against each abutting lot or parcel of land and a personal charge and debt against the owner of each such lot or parcel of land from the date of such levy and assessment. Such ordinance shall state the amount of such special tax or charge against each lot or subdivision of abutting land, and the same shall be due and payable within such time as the city council may fix, not to exceed thirty days after the completion of the sidewalk in front of each respective lot or parcel of land, and immediately upon the completion, in accordance with the contract therefor of said sidewalk in front of each lot or parcel of land, the city engineer shall accept the same; and if, under the contract, payment is to be made in certificates, said engineer shall give to said contractor a certificate showing the date of completion and acceptance of such sidewalk in front of said lot or parcel of land, and a description of said lot or parcel of land, and the name of the owner, if known, and if not known, the certificate shall so state, and the said contractor may enforce said lien and charge against said land and against

the owner thereof in any court of competent jurisdiction. But if said contractor is not to be paid in certificates, then the city engineer shall report such certificates to the city council, and the city council shall place the same in the hands of the assessor and collector of taxes, who shall proceed, as soon as practicable after the maturity of said certificate, to advertise and sell said property for the payment of said special taxes in the manner provided for sales of real estate for ad valorem taxes, but it shall not be necessary that sales for sidewalk certificates and special taxes shall take place at the same time as for sales for ad valorem taxes. And the said city shall have the further right to sue in any court of competent jurisdiction for the foreclosure of its lien and for a personal judgment against the owner or owners of abutting property.

SEC. 64. The city council shall have power to cause to be constructed, reconstructed, graded, regraded, paved, repaved, or in any other way repaired, improved, and maintained any or all of the streets, alleys, avenues, public highways, or parts thereof, within the said city, at such time or times, and to such extent, and of such dimensions, and with such materials, and in such manner, and under such rules and regulations as said council, from time to time and at any time, shall provide by ordinance; provided, however, that if any such improvements is to be made at the cost, in whole or in part, of the owners of abutting real estate, and if resident owners within the city, who shall own a majority in front feet of all real estate owned by residents of said city and abutting and fronting on the street, alley, avenue, public highway, or a part thereof, to be improved, shall petition to have such improvement made, the same may be ordered by a majority vote of the city council.

SEC. 65. Every ordinance and contract for work authorized to be done in grading, regrading, paving, repaving, or otherwise improving or repairing any street, alley, avenue or other public highway, or any part or parts thereof, shall specify how the same is to be paid for, and in case payment is to be made in certificates, the city shall in no event nor in any manner be liable for, or on account of such work, except that the city shall pay for all that portion of the cost of work done at the crossing and intersection of streets, which is not chargeable to street and steam railways using such crossings, and to the owner or owners of such railways; and no contract shall be made by the city council except the same be on competitive bids after due advertisement.

SEC. 66. When it shall be proposed to pave, repave, grade, regrade, or otherwise repair or improve any street, alley, avenue or other public highway, or part thereof, at the cost, to the extent herein provided, of the owners of abutting real estate, including therein any steam or street railroad company occupying or having a track or tracks laid upon such street, alley, avenue or other public highway, or any part of the same, proposed to be improved or repaired, the city council shall, upon resolution or ordinance adopted by a majority vote, publish notice of such proposed improvement for five days in some newspaper published in said city, after which, at its first regular meeting after such publication, or at any adjourned meeting held for that purpose, said council shall proceed to hear such objections, if any, as are offered thereto. It shall be the duty of said council, before or at the time of the adoption of any ordinance providing for any such grading, regrading, paving, repaving, or other improvements, to inquire into all questions relating to any purported

petition therefor and to the publication of notice as herein provided, and if in any such ordinance the city council shall adjudge and declare that the improvement has been petitioned for, or that notice has been published as required by this section, or that both preliminaries have been complied with, then such judgment and declaration shall be conclusive evidence of the facts found and recited therein; and no certificate, proceeding, debt or lien shall be held invalid or in any wise affected by the want of or by any defect in or objection to said petition or to said notice.

SEC. 67. When the city council shall have inquired into the petition, notice and proceedings for any proposed street improvement, and shall have adjudged and declared such petition, if any, and such notice and proceedings to be in due and lawful form, said council may by ordinance, as hereinbefore provided, order the said improvement to be made, and thereupon the city engineer shall prepare plans and specifications for the same for at least two classes of standard material in the case of paving, and for cement, brick and stone curb walls, and said specifications shall be presented to the city council which shall pass upon the same and adopt such of the plans and specifications as said council shall consider the most desirable, and shall determine whether to advertise for bids without liability against the city for the cost of such improvement, except for its proportion at street crossings and intersections, or whether the work shall be paid for by the city, and said council shall cause an advertisement for sealed bids for the proposed work to be published for at least ten consecutive days, Sundays alone being excepted, in some newspaper published in said city, and shall have the right to reject any and all bids. No bids shall be considered unless the same is (are) strictly in accordance with the plans and specifications, and no allowance for extra work shall ever be made or paid, but if extra work becomes necessary a separate contract therefor may be made by authority of the city council. The sealed proposals shall be addressed to the city secretary and shall not be opened except in the presence of the city council at a regular or adjourned meeting. The city council shall fix the bond and security to be required of all contractors and bonds and securities shall be given to the satisfaction of a majority of said council. The city council shall consider and pass upon all bids and proposals submitted in accordance with said advertisement, plans and specifications, shall have the assistance of the city engineer, who shall, if required, make and submit to the council estimates of the cost of the proposed work, according to the plans and specifications adopted by the city council, and said council shall reject any or all of said bids, as to it may seem best, and may accept any such bid as in its judgment is most advantageous to the city, and if any bid be accepted the city council shall, by ordinance or resolution, direct the mayor to enter into a contract with the successful bidder, in accordance with the terms of his bid and of the plans and specifications for the proposed work, and if in such ordinance or resolution the said city council shall find and declare that all preliminaries and matters precedent to the acceptance of said bid and the letting of such contract have been by the council inquired into and found to have been duly performed and complied with, then such finding and declaration shall be held and taken in all courts and by all persons, whether in or out of courts, as final and conclusive evidence of the facts therein recited and as fully evidencing and establishing compliance with and



performance of all such preliminaries and matters precedent, and no certificate, proceeding, debt, lien, or other thing shall be held invalid or in any wise affected by the want of or by any defect in or objection to any such preliminary or matter precedent.

SEC. 68. If no bids are received, or if all bids received are rejected, then, and in either event, bids may be again advertised for, or the proposed work may be done by the city under the direction of the city engineer and such committee as the city council shall designate, and in all cases, whether the work be done by the city or under a contract therefor, the city engineer shall be charged with supervision of the repair or improvement, and shall see that the plans and specifications and all provisions of the contract, if one has been made, are strictly complied with and performed, and he shall make reports to the city council as the work progresses.

SEC. 69. When the cost of any work done in repairing, improving or maintaining any of the streets, alleys, avenues, or highways or parks thereof, in said city is to be paid for in certificates, the same shall be apportioned and charged as a special tax and debt against the owners of abutting real estate, and street or steam railways occupying or using the street or highway, or part thereof, upon which work is done, and shall be a charge and lien upon such real estate and railways as follows, to wit: every steam and every street railway company occupying any street, alley, avenue or other public highway, or part thereof, shall be liable for one-third of the cost of grading or regrading, paving or repaving, constructing, or reconstructing, or in any other way repairing, improving or maintaining the street, alley, avenue or other highway occupied by such company, and the same shall be a charge and debt against the company and a lien prior to all others upon its railway and franchises. Every owner of any lot or lots, block or blocks, or other real estate, fronting or abutting upon any street, alley, avenue or other public highway, shall be liable for such a proportion of the balance of the total cost of improving, repairing and maintaining the same after deducting for street intersections and for the part to be paid by street or steam railways, as the number of feet of such owners' property abutting upon the improved or repaired portion of such street, alley, avenue or other public highway, bears to the total number of front feet abutting upon such improvement or repairs, and the same shall be a debt and charge against each such owner and a lien prior to all others upon his abutting real estate.

SEC. 70. After a contract shall have been made for work to be done in repairing, improving or maintaining any of the streets, alleys, avenues or other highways of said city or parts thereof, if the work is to be paid for in certificates, the city engineer shall compute the cost thereof and as such work is completed he shall apportion the same among the companies and individuals and against the street railways, steam railways, and abutting real estate responsible therefor, charging each with its proper share, and upon the completion and acceptance of portions of said work to be specified in the contract therefor he shall prepare certificates showing the abutting real estate and the steam or street railways along which said work has been completed and accepted, and the name of each owner, if known, and if not known, the certificate shall so state, and the amount chargeable to each owner and each piece of property and such other particulars as he may think advisable. He shall sign such certificate and



present the same to the city council, and if said certificate or any of them are approved by said council the city secretary shall endorse his certificate to that effect upon each approved certificate and shall thereupon deliver the same to the contractor, and every such certificate shall constitute a claim and demand in favor of the contractor, his assigns and legal representatives against the owner or owners and property specified therein.

SEC. 71. Whenever the city council of said city shall deem it necessary to take any private property in order to open, change, alter or widen any public street, avenue or alley, or for the construction of water mains or sewers within or without the limits of the city, or for the construction of dams or reservoirs or for the storage of water within or without the limits of the city, such property may be taken for such purpose by first making just compensation to the owners thereof. If the amount of such compensation cannot be agreed upon it shall be the duty of the city council to cause the city attorney to state in writing the real estate or property so sought to be taken, the name of the owner, and his residence, if known, and file such statement with the county judge of Tarrant county, who shall then proceed as the law directs in condemnation proceedings under the laws of this State, and the city council is expressly authorized and empowered to condemn the right-of-way, real estate or any interest therein and the roadbed and railroad tracks of any railroad company whose right-of-way, real estate or road bed and tracks extend within the corporate limits of said city whenever such condemnation is deemed necessary and so declared by a majority of the members present at any meeting of said city council for the purpose of opening, widening or extending any street or other public highway of said city, or for the purpose of constructing water mains, or sewers, or for the construction of dams or reservoirs, or for the storage of water.

SEC. 72. Upon the filing of such statement, it shall be the duty of the county judge, in term time or in vacation to appoint three disinterested freeholders and qualified voters of the county as special commissioners to assess the damages to accrue to the owner by reason of such proposed condemnation.

SEC. 73. The commissioners so appointed shall in their proceedings be governed and controlled by the State laws in force in reference to the condemnation of right-of-way for railroad companies and the assessment of damages therefor, the city occupying the position of the railroad company and the laws in reference to application for condemnation of right-of-way for railroad companies, including the measure of damages, the right of appeal and the like shall apply to an application by said city under this act for the condemnation of property for the purpose of opening, changing or widening streets, avenues or alleys or for the construction of water mains or sewers, dams or reservoirs or for the storage of water, the city to occupy the position of the railroad company.

SEC. 74. The city council shall also have full power and authority to make and provide for the enforcement of regulations to prevent the introduction into the city of any contagious or infectious disease, and may make quarantine laws and all other necessary or expedient laws, rules and regulations for the promotion of health and the suppression of disease, and may enforce them or cause them to be enforced at any place within the city or outside of its limits and within ten miles thereof, and may erect or establish such hospitals and such pest houses and places of deten-

tion for persons infected or suspected of infection with contagious disease as may be thought necessary, and may control and regulate the same.

SEC. 75. The city council may appoint as many health inspectors as are deemed necessary and may, by ordinance, prescribe the powers, duties and compensation of such health inspectors, and may authorize them or any of them or any other of its officers or employes to stop, examine and detain any person or persons coming or suspected of coming from any place infected or believed to be infected with any infectious or contagious disease and to prevent any such person or persons from entering the city; and said council may also authorize and empower such inspectors, officers and employes or any of them to cause any person suspected of being infected with any contagious or infectious disease to be sent to the city hospital or pest house or such other place of detention as the council may provide, or said council may cause any such person or persons to be confined and isolated in the rooms or premises where they are found; and to remove from the city, disinfect or destroy any furniture, wearing apparel or property tainted or infected with or exposed to infection from any contagious or infectious disease, or which shall be likely, in the opinion of the city physician, to pass into such a state as to propagate, generate or communicate disease.

SEC. 76. The city council shall provide by ordinance for abating all nuisances of every description which are or may become injurious to the health or comfort of any of the inhabitants of the said city, and shall make and provide for the enforcement of all necessary rules and regulations for the preservation of health and to suppress disease and to prevent its spread within the said city, and shall not, in any case whatsoever, be liable or held for injuries to persons or property or for any damages in any manner occasioned in the enforcement or attempted enforcement of any of its rules, regulations or ordinances, or of the provisions of this charter for the preservation of the health of said city or to prevent the entrance or spread within said city of infectious or contagious diseases.

SEC. 77. The owner, driver or conductor in charge of any stage, railroad cars or other public conveyance, which shall enter the city, having on board any person sick of a malignant fever or pestilential, contagious or infectious disease, unless such person became sick on the way and could not be left, shall be guilty of a misdemeanor punishable with fine; and such owner, driver, conductor or person in charge shall, within three hours after the arrival of such sick person, report in writing the facts, with the name of such person and the house where he was put down in the city to the city physician, and every neglect to comply with these provisions shall be a misdemeanor and punishable by fine.

SEC. 78. Any person who shall knowingly bring or cause to be brought into the city any person or property of any kind tainted or infected with any pestilential, infectious or contagious disease shall be guilty of a misdemeanor and punishable by fine.

SEC. 79. Every keeper of an inn, hotel, tavern, boarding or lodging house in the city in which any inmate thereof shall be sick with smallpox, varioloid, yellow fever, or other infectious, contagious or pestilential disease, shall, upon such facts coming to his or her knowledge, forthwith report the same to the city physician. Every physician in the city shall report under his hand to the officer above named the residence and disease of every patient who he shall have sick of any infectious, contagious or

pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section or any part of either of them shall be a misdemeanor punishable by fine.

SEC. 80. The city council shall also have power to require the filling up, draining and regulating of any lot or lots, grounds or yards or any other places in the city which shall be or become unwholesome or offensive or have stagnant water therein, or from any other cause be in such condition as to be liable to produce disease, and to cause all premises to be inspected and to impose fines on the owners and occupants of houses under which or about which such stagnant water may be found, and to pass such ordinances as they may deem necessary for the purposes aforesaid, and for the making, filling up, altering or repairing and the constructing of sewers and compelling cleanliness of all sinks, privies and water closets and directing the mode and material for constructing them in future, and for regulating the plumbing thereof, and the connections with the water and sewer system; provided, that no preference shall ever be given any manufacturer or dealer in sinks, closets or material used therein and for cleansing and disinfecting the same, and for the cleansing of any house, building, establishment, yard or ground from filthy, impure or unwholesome matter of any kind, and to punish any owner or occupant violating the provisions of any ordinance so passed as aforesaid, and the city council shall also have full power to cause any of the improvements above mentioned to be done at the expense of the city on account of the owners, and to cause the expenses to be assessed on the real estate or lot or lots benefited thereby, and on filing with the county clerk of Tarrant county a statement by the mayor of such expenses shall have a first and privileged lien on such property to secure such expenditures and ten per cent. interest per annum thereon. For any such expenditures and interest as aforesaid suit may be instituted and recovery had in the name of the corporation in any court having jurisdiction.

SEC. 81. It shall be the duty of the city physician to visit and treat as often as necessary and in a skillful and scientific manner all parties sent to the city hospital by the city authorities and all persons confined or detained in any pest house or house of detention, and when directed by any committee of the city council to visit such persons as are indigent and unable to pay for medical attention, and to render all necessary attention to such indigent persons, and to perform such other duties as the council may from time to time direct, and for his services he shall receive a salary of fifteen hundred dollars per annum, payable in monthly installments. The city council may in their discretion require the city physician to give bond in such amount and with such conditions as it may prescribe. The city physician may be authorized by the city council, when the public interest requires, to exercise for the time being such of the powers and perform such of the duties of the chief of police as the city council may direct and authorize, and he may also be authorized by the city council to enter all houses, buildings and places, public or private, at any and all times in the discharge of his duties under this charter or under any ordinance of the city, after first asking permission of the owners or occupants. The city council shall have power to punish by fine any neglect or refusal to observe the orders and regulations of the city physician.

SEC. 82. The city council may co-operate with the commissioners' court in making such improvements connected with the city and county as may

be deemed by the city council and commissioners' court necessary to improve the public health and promote efficient sanitary regulations and by mutual arrangements they may provide for the construction of said improvements and the payments therefor.

SEC. 83. The city council by ordinance may compel the owner or occupant of any grocery, soap, tallow or chandler establishment or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewer, privy, hide house, or any unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants, and direct the abatement thereof and provide for the punishment by fine of any one found guilty of maintaining a nuisance within the limits of said city.

SEC. 84. The city council may prohibit by ordinance any person from bringing, depositing or having within the limits of said city any dead carcass, or any other offensive or unwholesome substance or matter, and may require the removal or destruction by any person who shall have placed or caused to be placed upon or near his premises or elsewhere of any substance or matter, filth, or any putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default may authorize the removal or destruction thereof by some officer of the city, and require the owners of any dead animal to remove the same to such place as may be designated.

SEC. 85. The city council may also by ordinance require owners of private drains, and sinks that are or liable to become offensive, or injurious to health, to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, and in the event of any failure, neglect or refusal to comply with any such orders the party so failing shall be liable to fine. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvement made on account of the owner thereof, and all costs, charges and expenses shall be a lien on the property on the filing of the memorandum by the mayor under the corporate seal of the city and recording the same with the clerk of the county court; and the city may enforce said lien and institute suit in the corporate name and obtain judgment against said party for the amount so due as aforesaid in any court having jurisdiction.

SEC. 86. The city council is hereby given full power to regulate the burial of the dead, to purchase, establish and regulate one or more cemeteries; to require and regulate registration of births, marriages and deaths; and to direct the returning and keeping of bills of mortality.

SEC. 87. The city council is also authorized to direct the location of tanneries, blacksmith shops, foundries, livery stables and manufacturing establishments, to direct the location, regulate the management and construction, restrain, abate and prohibit within the city limits slaughtering establishments and hide houses or establishments for keeping and curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

SEC. 88. The city of Fort Worth is constituted a separate and independent school district and the city council is furthermore authorized to pass such ordinances, rules and regulations as may be necessary to establish new schools, purchase building sites, construct school houses and generally to promote free public education within its limits.

SEC. 89. The city council of said city shall elect six persons of good moral character and qualified voters of said city as a board of trustees of the public free schools, and the mayor of said city shall be ex-officio chairman of said board and shall vote in case of a tie only. The present school trustees of said city shall serve until their respective terms of office as provided in the charter, under which they were elected, shall have expired, and until their respective successors shall have been elected and qualified.

SEC. 90. All school trustees shall serve without compensation and except as herein otherwise provided, they shall hold office for a term of three years and until their successors are elected and qualified. Elections to fill vacancies shall be for the unexpired term only. The successors of outgoing trustees shall be elected by the city council at its first regular meeting prior to the expiration of the term of office of such outgoing trustee, or as soon thereafter as may be practicable.

SEC. 91. Before any trustee enters upon the duties of his office he shall swear that he will faithfully and impartially discharge the duties of his office and he shall take any other oath that may be prescribed by the city council and file such affidavit with the city secretary.

SEC. 92. Said board of trustees may adopt such rules, regulations and by-laws for their own government as they may deem proper.

SEC. 93. The public free schools of said city shall be under the control and supervision of such board of trustees and said board when appointed shall have power to control, manage and govern said schools in all things and matters and order the payment of school funds for school purposes, and shall have power to elect a superintendent of the public schools in said city, and to select all teachers and fix the salaries thereof.

SEC. 94. Said city shall receive from the State such pro rata of the available school fund as its scholastic population may entitle it to, and shall receive from Tarrant county such pro rata of the interest arising from the permanent school fund of Tarrant county as its scholastic population shall entitle it to.

SEC. 95. The city council in its discretion may provide by ordinance for the levy and collection of an annual special ad valorem tax for school purposes, not to exceed one-half of one per cent. and the proceeds of such tax shall be used for school purposes, and no such tax shall be levied for an amount more than will be reasonably necessary in addition to the pro rata of the available school fund received from the State and the pro rata of interest on the permanent school fund of Tarrant county to carry on the schools of said city for ten months in each year. All taxes heretofore levied for school purposes by any former city council shall be collected by the city and used for school purposes and all such former levies for school purposes are hereby validated and are appropriated for use in conducting the city schools.

SEC. 96. The city council shall have power to provide for the maintenance of a fire department and to make all needful rules and regulations for governing said department and for preventing and extinguishing fires.

SEC. 97. The city council may procure fire engines and other apparatus for the extinguishment of fires and have the control thereof and provide engine houses for the keeping and preserving the same and shall have power to organize, regulate and maintain fire hook and ladder hose

and axe companies and fire brigades and to provide and regulate and maintain fire halls, and the said companies and all members thereof shall observe and be governed by the ordinances, rules and regulations of the city council relating to the fire department. All firemen and employes of the fire department shall be appointed by the chief of the said department, subject to confirmation by the city council.

SEC. 98. The chief of the fire department shall be entitled to one assistant chief, who shall be selected by the chief, and who shall be paid by the city. The chief of the fire department, and in his absence, the assistant chief, or if the chief and assistant chief are both absent, then the senior captain present shall have full and absolute control over the entire department and over the engineers, drivers and other employes thereof, and they and the said employes shall conform to all rules and regulations as the city council may prescribe either by the committee on fire department or otherwise. The chief of the fire department shall report to the city council, annually, at such time as may be required by the council, showing the condition of the engines, hose, hook and ladders and other fire apparatus, and of the buildings in which the same are kept, and shall in such report recommend such additions, alterations and improvements to the same as may be deemed expedient. Said chief of the fire department shall give bond, with two or more good and sufficient sureties, payable to the city of Fort Worth, in the sum of \$2500, subject to the approval of the city council, and conditioned for the careful, efficient and faithful performance of the duties of his office. He shall have all such other powers and be subject to such other duties, in connection with the fire department of the said city, as may be prescribed by the city council, and he and all subordinates and employes of said department shall have the same police powers at fires as city policemen. The chief of the fire department shall receive a salary of \$1500 per annum, payable in monthly installments, and the assistant chief shall receive a salary of \$1200 per annum, payable in monthly installments.

SEC. 99. The mayor, the chief of the fire department, and all subordinates and employes of said department, and all officers of said city, are authorized and it is made their duty to keep away from the vicinity of any fire all idle, disorderly and suspicious persons and to arrest and imprison the same, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing property from being stolen.

SEC. 100. When any building in the city is on fire it shall be lawful for the chief or acting chief, with the concurrence of the mayor, or in his absence, of two aldermen, to direct such building or any other buildings which they may deem hazardous and likely to take fire and to communicate fire to other buildings, to be torn down or blown up or otherwise destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any such buildings so destroyed or injured may, within two months, and not thereafter, apply in writing to the city council to assess and pay the damages he has sustained; and if the city council and the claimant cannot agree on the terms of adjustment, then the application of such claimant shall be referred to three commissioners, one to be appointed by the claimant, one by the city council and the third by both commissioners, and the decision of the

majority shall constitute the award in the case. They shall be sworn faithfully to execute their duty according to the best of their ability; shall have power to subpoena and swear witnesses, and shall give all parties a fair and impartial hearing, and give notice of the time and place of meeting. Said commissioners shall be qualified voters and owners of real estate in the city, and shall take into account the probabilities whether the said building would have been destroyed by fire if it had not been so pulled down and destroyed, and the loss of insurance upon said property, if any, caused by pulling down, blowing up or destroying said building, and may report that no damage should equitably be allowed to such claimant.

SEC. 101. Whenever a report shall be made and finally confirmed for the appraising of said damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of said damages, and no suit shall enter and be maintained for or on account of such damages in the absence of fraud or gross mistake not chargeable to the complainant for any other purpose than the enforcement of the award as made by the commissioners.

SEC. 102. The city council shall have power by ordinance to prohibit the erection, placing, moving or repairing of buildings or other structures of wood or other combustible material within such limits in said city, as may be prescribed by ordinance, and to direct that all buildings and structures within the limits prescribed shall be made or constructed of some fire-proof material, and to declare all dilapidated buildings to be nuisances, and to direct and require the same to be repaired, removed or otherwise abated in such manner as the council may prescribe, and to declare all wooden buildings and other structures within the fire limits, which are deemed dangerous to contiguous buildings or structures in causing or promoting fires, to be removed or otherwise abated, in such manner and under such penalties to the owners, proprietors or occupants thereof as may be provided by ordinance. The city council may also prohibit the rebuilding or repairing of wooden buildings or other structures within the fire limits when the same shall have been damaged to the extent of one-half its original value by fire, wind, water, long use, or in any manner whatsoever.

SEC. 103. The city council shall have power to prevent and prohibit the dangerous condition of chimneys, flues, fire places, stove pipes, ovens or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

SEC. 104. The city council shall have power to prevent the deposit of ashes in places where they would be liable to produce fire, or in any wood box or barrel, or within any wooden building, and to appoint one or more officers to enter into all buildings and enclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition; and said city council may also require the inhabitants to keep and provide as many fire buckets and as many stairs, ladders or other means to reach the roof, and as many scuttles or other openings therein as they shall prescribe, and may regulate the use thereof in times of fire.

SEC. 105. The city council may also regulate or prohibit and prevent the carrying on of work and manufactures that are dangerous in promoting or causing fires, and may prohibit the building or erection of cotton

presses and sheds, or may restrict the same to such limits as are prescribed by ordinance; and may regulate or prohibit and prevent the use of fire works and fire arms, or the keeping and management of houses or other structures or places for storing gunpowder, dynamite or other combustible, explosive or dangerous material or substances within the city, and may regulate the keeping and conveying of the same.

SEC. 106. The city council shall by ordinance levy and provide for assessing and collecting an annual special ad valorem tax for permanent street improvements, and to increase the water supply of said city of twenty cents on every one hundred dollars valuation for any single fiscal year upon all property in said city liable for taxation for State and county purposes, and not by some general law exempt from municipal taxation, and the proceeds of such tax are hereby appropriated and set apart for use in permanent street improvements and in securing an increased supply of water for the use of said city, in such proportion to each purpose as the city council may direct. And the city council shall by ordinance levy and provide for assessing and collecting an annual special ad valorem tax for street sprinkling purposes in said city of five cents on every one hundred dollars valuation every single fiscal year upon all property in said city liable for taxation for State and county purposes, and not by some general law exempt from municipal taxation, and the proceeds of such tax are here appropriated and set apart for use in sprinkling the streets of said city with oil or water, or both. The city council shall also have power by ordinance to levy and provide for assessing and collecting an additional ad valorem tax for such other purposes as are authorized by this charter, but such additional tax shall not exceed one dollar and twenty-five cents on every one hundred dollars of valuation for any single fiscal year, and the same shall be assessed, levied and collected upon all property in said city liable for taxation for State and county purposes, and not by some general law exempt from municipal taxation; provided, that no tax levied by said city shall ever exceed the sum of one dollar and fifty cents on the one hundred dollars of valuation, in any single fiscal year.

SEC. 107. Every male inhabitant over the age of twenty-one years and under sixty years, residing within said city on the first day of January of any year, shall pay an annual poll tax not to exceed \$1.00 for any one year, which shall be levied and collected in the same manner as are other taxes.

SEC. 108. The city council shall have full power and authority to levy and provide for the collection of an annual wheel tax on all drays, floats, wagons, hacks, carriages, buggies, bicycles and other wheeled vehicles, held for use within said city, but no such tax shall ever be levied or collected in excess of one dollar per annum upon each and every dray, float and wagon so held for use in said city, in excess of one dollar per annum upon each and every hack, carriage, buggy or other wheeled vehicle not herein expressly named, nor in excess of one dollar per annum on each and every bicycle, and the proceeds of such taxes are hereby set apart for street improvements, and the same shall not be appropriated, used or paid out for any other purpose, nor shall any such proceeds be transferred either temporarily or permanently to any other fund or funds; provided, that this section shall not apply to buggies owned or held by livery stables for hire.



SEC. 109. The city council shall have power to levy, assess and cause to be collected occupation taxes, commonly known as licenses, upon all trades, professions, occupations, callings and other kinds of business carried on in said city on which a license or occupation tax is levied by this State, and for the same period for which such State tax is levied, but unless it is otherwise expressly provided by this charter the city license or occupation tax shall in no case exceed one-half of the license or occupation tax levied by the State for the same trade, profession, occupation, calling or other kind of business, and no person shall ever be required to pay any license or occupation tax to said city upon any agricultural or mechanical pursuit. All license or occupation taxes shall be received and collected by the city assessor and collector of taxes, and shall be paid to that officer by each and every person chargeable therewith before engaging upon any trade, profession, occupation, calling or other kind of business upon which said tax is charged, and the city council shall provide suitable penalties for violations or evasions of this section, and in addition thereto the city may collect such taxes by suit in any court having jurisdiction of the amount. Any person pursuing more than one trade, profession, occupation, calling or other kind of business, subject to the payment of occupation taxes, shall pay a license or occupation tax on each, and no license shall extend to more than one profession, occupation, calling or other kind of business.

SEC. 110. Every person who, on the first day of January of any calendar year, owns or holds property within said city subject to taxation for municipal purposes, shall be liable for taxes thereon for the ensuing year, and nothing contained in this charter shall be held or construed to prevent the city council from imposing, levying and collecting special taxes and assessments, or from issuing certificates to contractors for the same for work done on the streets, alleys, avenues and other highways of the city, as is elsewhere provided for in this charter.

SEC. 111. The term "real estate," or property, as used in this act, shall be construed to embrace lots, lands, and all buildings, machinery, fixtures and structures of every kind erected upon and affixed to the same.

SEC. 112. The terms "personal estate," or property, as used in this act, shall be construed to embrace household furniture, goods, capital, chattels, stock and stocks of corporations, moneys or otherwise, and all credits, bonds, and other evidences of debt owned by residents of said city, and all evidences of debt owned by non-residents against residents of this city, whether the same be in or out of said city, all money at interest within or without said city, due the person to be taxed, over and above what he pays interest for, and all other debts due residents of the city over and above what he pays interest for, and all other debts due residents of the city over and above their indebtedness, and other things denominated as personal property under existing or future State tax laws; provided, however, that two hundred and fifty dollars (\$250.00) worth of household and kitchen furniture, belonging to each family in said city, shall be exempt from municipal taxation.

SEC. 113. The city council shall have power to provide by ordinance for the assessing and levying of the taxes aforesaid and to determine when taxes shall be paid by corporations, and when by the individual incorporators: provided, that no tax shall be levied except by consent of two-thirds of the aldermen elected.

SEC. 114. The city assessor and collector of taxes shall have charge of and keep in his office all maps, plats, books, papers, records and other property provided by the city to aid in the assessment of property, and the same are hereby constituted records and archives of his office, for the preservation of which and the delivery thereof to his successor in office, he and the sureties upon his official bond are and shall always be liable and bound.

SEC. 115. From and after the first day of January of each year until the taxes are paid a lien shall exist in favor of said city upon all property, real and personal, subject to municipal taxation to secure the payment of all taxes levied and assessed for that year against said property, and of all penalties, interest and cost accrued, or that may accrue thereon. And the lien hereby created shall be prior to all other liens upon such property, and no gift, sale, assignment, trust deed, transfer, or encumbrance, or judicial writs of any kind or other disposition of such property shall ever defeat such lien or have or give precedence over the same, and the city assessor and collector of taxes shall have full power and authority to pursue such property and to seize and sell all, or enough of the same to satisfy and to pay all taxes, penalties, interest and cost due thereon. And all persons who purchase or receive any such property or acquire any lien upon or right therein shall be held to have had full prior notice of the existence of said tax lien, and said lien after accruing as aforesaid shall continue from year to year until the taxes have been fully paid.

SEC. 116. In all cases where a person owing taxes on personal property shall make an assignment of his property or any part thereof, or a deed of trust or other conveyance of the same for the payment of his debts, or if his property or any part thereof is seized under any attachment or other judicial process, or if he shall have removed or be about to remove out of the city, or shall have removed or be about to remove his personal property out of the city, or if the estate of decedent is or becomes insolvent and any taxes levied or assessed against any such person or estate shall be unpaid in any part, then and in any, or either such case, said taxes shall forthwith become and be due and delinquent, notwithstanding any and all provisions to the contrary in this charter elsewhere contained, and if the said property be not in the custody of an officer of some court, the city assessor and collector of taxes shall proceed at once to seize and sell enough of said personal property wherever it may be found in this State, to pay the taxes owing with all accrued penalties, interest, cost and expenses, and if the property is in the custody of any officer of court, then and in every such case, the lien shall follow such property and the taxes, penalties, interest, cost and all expenses shall be paid by such officer out of the proceeds of said property, and if he shall fail to pay the same he shall be liable therefor, or if the property be not sold by the officer holding the same, then upon its release by such officer the assessor and collector of taxes shall at once seize and sell enough thereof to pay said taxes, penalties, interest, costs and expenses.

SEC. 117. On and after the first day of January of each year the city assessor and collector of taxes shall attend in person, or by deputy, at his office, and shall keep said office open from the hour of eight o'clock in the forenoon until six o'clock in the afternoon, on every week day up to and including the fifteenth day of April following, and shall receive the list of property delivered to him, and he shall at all times keep on hand and

furnish to persons lawfully requiring the same, all necessary blanks and forms for list and statements required by this charter, but no default of said assessor and collector of taxes in performing the duties incumbent upon him under this section, shall have any effect to invalidate any assessment or proceeding had in or about the levy and collecting of taxes for said city.

SEC. 118. It shall be and is hereby made the duty of every person, copartnership, joint stock association, and corporation owning, holding or having under his, their or its control, any personal property subject to taxation for municipal purposes for any year, to deliver to the city assessor and collector of taxes at his office, on or before the fifteenth day of April of such year a true and complete list thereof, with the actual cash value of such property and of each item thereof, and the city council shall, by ordinance, prescribe the form of said list, which form shall thereafter be followed in all rendition of personal property, and until the form of such lists shall have been prescribed by the city council, the city assessor and collector of taxes shall use such form or forms as he may deem proper.

SEC. 119. The assessor and his deputies shall be authorized to administer oaths and affirmations, and shall require all persons to verify by affidavit all lists made by them, and may also examine upon oath any person touching the personal property for which he is liable to be assessed, or the value thereof, and may, by a notice delivered to any person or left at his residence, office or place of business, require such person within five days to deliver to him at the assessor's office any list or statement necessary for the purpose of making the assessment, and to verify the same by affidavit; and any person failing or refusing to verify such list, when thereto requested by the assessor to be examined, or answer on oath, regarding his property and merchandise when thereto requested by the assessor, or to deliver and verify such list and statement when notified by the assessor so to do, shall forfeit to the city the sum of one hundred dollars, to be recovered in an action therefor in the name of the city, to be instituted by the city attorney in any court of competent jurisdiction, and the assessor shall assess such person according to the best information he can get.

SEC. 120. The city council shall have power by ordinance to provide for the assessment of the property and shares of capital stock of corporations, companies, banks and other like institutions, and of their notes and bills receivable, and to determine when taxes shall be paid by corporations and when by the individual shareholders, but until provision is made by said council the property and shares of such corporations, companies and banks shall be assessed and taxed in the same manner as is now provided by the laws of this State for State and county taxes.

SEC. 121. It shall be the duty of the city assessor and collector of taxes between the first day of January and the thirtieth day of April of each year to make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in said city on the first day of January of such year and not by law exempt from municipal taxation, and also a list of all national banks and other corporations whose capital stock is liable to taxation, with the cash value of the shares of stock of each corporation and the names of the owners thereof. All real estate listed and assessed shall be returned in the book or books separate from those in which personal property is listed and

assessed, and the assessor may make as many books as may be necessary for convenient handling, but no real estate shall be listed, assessed or returned in any book containing a list or lists of personal property. Each book shall contain blank columns appropriate and suitable for the extension of all taxes therein, and the list and assessment shall be certified, verified and returned as hereinafter provided. But the failure of the said assessor and collector of taxes to make or return any list and the assessment within the time or in the manner herein provided, shall not affect or invalidate the assessment or any proceeding had in levying or collecting taxes for said city, or in selling property for such taxes or the title taken by any purchaser at any such sale.

SEC. 122. The city assessor and collector of taxes shall return in tabular form on his book or books for the assessment of real estate each parcel of real estate subject to taxation, with such a description thereof as would be sufficient in a conveyance of such parcel of land between individuals, and with the statement of the value thereof. So far as he finds it reasonably practicable, said assessor and collector of taxes shall list said real estate in numerical order as to lots and blocks, and shall place in a separate column the value attached by him to each lot, tract or parcel listed by him. When any property is not laid off in lots or blocks by some duly recorded plat, the assessor shall describe the same by any pertinent description, and for the purpose of securing the same he may, but shall not be compelled to, require the owner thereof to furnish such description, and it is hereby made the duty of all owners of property not so laid off of record into lots or blocks, to furnish to said assessor and collector a sufficient written description thereof within not less than fifteen days within the time fixed by this charter for the return of the assessment list and books to the city council, and in case any owner shall fail to furnish such description within the time aforesaid, said assessor and collector may require the city engineer to make and return to him a survey of such property, or he may use any other means he may think proper to obtain such description, and in any such case no assessment shall be invalid or in any wise affected, nor shall any objection be made to the title or rights of any purchaser at a tax sale because the said property is not separately assessed.

SEC. 123. The city assessor and collector of taxes shall not be required to make separate assessments of undivided or joint, common or conflicting interest in any real estate, but the owner of any such interest may furnish to said assessor and collector at any time before the fifteenth day of April of each year, and not thereafter, a written description of any parcel of land in which he has an interest less than the whole, showing the amount of his interest therein, and the said assessor and collector may thereupon assess such interest as a separate parcel and the remaining interest as a different parcel, and proceed to fix the value of each.

SEC. 124. The omission from the tax rolls of property, whether real or personal, by law, subject to municipal taxation or the failure of the city for any cause to collect taxes for any year on any such property shall have no effect to invalidate taxes on property listed on such rolls, nor shall any objection be made or considered to the title or rights of any purchaser at a tax sale because of any such omission or failure, but if the city assessor and collector of taxes shall discover that any real or personal property subject to municipal taxation for any previous year was not assessed or

for any cause escaped taxation for such year, it shall be his duty, in addition to the assessment for the then ensuing year, to assess such property for the year or years in which the same was not taxed.

SEC. 125. Upon the completion of his assessment for each year the assessor shall endorse at the foot of his real estate books the following affidavit, to wit: "I, . . . . ., do solemnly swear that I am the assessor and collector of taxes for the city of Fort Worth, and that I have made a diligent effort to ascertain all taxable real estate, and value thereof for the year . . . . . being or situated in the city of Fort Worth, and so far as I have been able to ascertain the same are correctly set forth in the foregoing real estate assessment books." Said certificate shall be signed by the said city assessor and collector of taxes and he shall make affidavit thereto. A similar affidavit made applicable, however, to personal property instead of real estate shall be endorsed and made by said assessor and collector of taxes at the foot of his personal property book, and the said assessment books with said affidavit endorsed thereon, shall be returned by said assessor and collector of taxes to the city council by delivering the same to the city secretary at his office, and said secretary shall endorse upon each of said books the day and date upon which the same were delivered to him.

SEC. 126. A board of equalization for the city of Fort Worth, to be composed of three qualified voters of said city, each of whom shall be the owner of real estate subject to taxation and situated therein, shall be appointed as follows, to wit: One by the county judge of Tarrant county; one by the judge of the district court of Tarrant county, which meets first after the first week in January; and one by the city council. All of the members of said board of equalization shall be appointed in the month of January or as vacations may occur, and they shall hold their offices for two years, and until their successors are appointed and have qualified. The board of equalization last heretofore acting for the city of Fort Worth under its former charter shall continue in office with all the powers and subject to all the duties herein conferred, until January, 1900, when a full board shall be appointed under the provisions of this charter. The said board of equalization shall constitute a board of appeals for the hearing of appeals and complaints of parties aggrieved by the assessment as made by the assessor, and said board shall not act upon any assessment unless appealed to by a taxpayer who complains of over-valuation or by the city complaining of under-valuation, or omission. A majority of the members of such board shall constitute a quorum for the transaction of business, and said board shall assemble for the purpose of hearing complaints regarding the assessment rolls of any year, upon the third Monday in May of that year, and shall continue in session, adjourning from day to day, and from time to time, until all business coming before them shall have been disposed of.

SEC. 127. In case of an appeal by the city from any assessment made by the city assessor and collector to the board of equalization, the city secretary shall notify, in writing, the owner or owners or their agents, if non-residents, of the property, on account of the assessment of which the appeal is taken, of the date and place at which such appeal will be heard, at least five days before such hearing.

SEC. 128. The city secretary shall deliver the assessment books to the board of equalization on the first day of the first session of said board, or

as soon thereafter as may be practicable. Any person aggrieved by any act of the assessor and collector of taxes in making up the assessment may make his complaint or appeal to the said board orally or in writing, and the board shall hear and determine the same summarily, and may examine the person appealing, and any other person on oath touching the matter complained of, and may compel the attendance of witnesses and the production of books and papers. Appeals by the city may be presented by the assessor and collector of taxes, and by any other officer or agent designated by the city council. If the board shall find any error in any assessment complained of they may order the same to be changed and corrected. Whenever the board of equalization shall have raised the assessment of any person with respect to his personal property, or its value, or shall have added other personal property thereto, notice of the same shall be given in writing to every person whose assessment has been raised or added to, with the amount from which and to which such assessment has been raised, and the articles and value thereof added to the assessment. The assessor and collector of taxes shall attend all sessions of the board and make such correction on the assessment as may be ordered by the board. Corrections shall not be made by erasures or interlineations, but by a brief separate memorandum thereof, to be entered on the assessment by the assessor.

SEC. 129. The hearing of complaints and appeals for the current year shall be concluded not later than the first day of August of that year, and at the first meeting of the city council held after that date, or as soon thereafter as is practicable, the city secretary shall present to the city council the corrected assessment and an abstract or summary thereof, showing the gross amount of valuation of real estate and personal property subject to municipal taxation upon which said city council shall proceed, by ordinance, to levy taxes for the current year.

SEC. 130. The said board of equalization shall also have power, on the application of any person interested therein, to correct and reduce, as in their judgment appears to be just and proper, any prior assessment of any property where the taxes have not been paid, or the property sold therefor, and shall certify such correction or reduction to the assessor and collector of taxes, who shall be governed thereby in the collection of taxes; and in hearing such applications said board of equalization may examine, under oath, the persons applying and any other persons touching the matters complained of, and may compel the attendance of witnesses, and the production of books and papers, and shall be governed by the law and the evidence.

SEC. 131. The action of the board of equalization shall be final in all cases, unless an appeal is taken therefrom to the district court of Tarrant county, Texas, which may be done by any person, or the agent or attorney of any person aggrieved by the action of the board, by giving notice in writing to said board of such appeal and the grounds thereof, within ten days after the final approval of the assessment rolls by said board, and giving bond, payable to the city, to be approved by the said city assessor and collector of taxes, in the sum of fifty dollars, conditioned that the appellant will pay all costs of such appeal, if the action of the board of equalization should be sustained by the court, or if the valuation of the property of such appellant shall be raised over the amount at which it stands assessed; a copy of such bond and such notice of appeal, and a

description made by the assessor and collector of taxes of the property of appellant involved therein, shall be filed in said district court by the assessor and collector on the application of the party aggrieved, and the case shall be docketed on the civil docket thereof in the name of the appellant as plaintiff, against the board of equalization of the city of Fort Worth as defendant, and all such appeals shall be presented to the first term of the district court after notice of appeal is given, and shall take precedence for trial of all civil cases in said court, and the decision of the district court in such matters shall be final; provided, however, that if such appeal has not been finally adjudicated by the 31st day of December of the current year, it shall be the duty of the appellant to pay all of said taxes assessed by the board of equalization against him, and in case he fails to pay said taxes by said time, said appeal shall be dismissed and the action of said board of equalization held to be final. But in the event the appellant pays all taxes assessed against him by the board of equalization on or before December 31st of such current year, then and in that event, if the court shall, on final adjudication, place a valuation upon appellant's property lower than the valuation placed by said board of equalization, the amount of taxes paid on the valuation which is found to be in excess of the valuation fixed by the court, shall be refunded to him by warrant drawn by order of the city council, and said district court shall compel the issuance and payment of such warrant. The lists of property and the values thereof, as settled by the board of equalization, or a copy of so much thereof as may be pertinent to the questions at issue, may be produced in court to be read in evidence on such trial. The notice of appeal from action of the board of equalization as to assessments for prior years shall be given within ten days after the specific action or order of said board complained of by the party appealing; provided, that the party appealing from the action of the board of equalization as to the taxes for said prior years. When the appeal has not been determined prior to December 31st of the year on which the appeal is taken, shall pay his full amount of taxes and costs for said years, or said appeal shall be dismissed, and the action of the board of equalization held to be final, and no appeal shall lie when the taxes have been paid or the property has been sold for taxes.

SEC. 132. Immediately after the passage and approval or taking effect without approval of an ordinance levying a tax for any year the city secretary shall deliver the corrected assessment for such year to the city auditor with a certified copy of the ordinance levying the taxes for that year, and the assessor and collector of taxes, under the supervision of the auditor, shall forthwith proceed to extend the taxes for the year upon the assessment books in appropriate columns to be left therein for that purpose, and shall also extend upon said books the amount of taxes for any previous year or years against any property returned as untaxed for such previous year or years. In extending taxes upon personal property, it shall be sufficient to extend the same upon the gross amount assessed against each person, but taxes upon real estate shall be extended upon the value affixed to each separate parcel. After all taxes have been so extended, the gross amount shall be footed up of all taxes as shown by the books upon real estate, and the gross amount of all taxes upon personal property and of all taxes for previous years for which property was



untaxed, and such footing shall be entered in said books and the assessor and collector of taxes shall also enter therein his certificate to the effect that the taxes in said books are truly and correctly extended and entered according to the assessment of the property, and the tax levy ordinance for the current year, and the auditor shall approve the same, and shall thereupon deliver said books to the city assessor and collector of taxes, who shall execute his receipt therefor showing the gross amount of taxes contained in said books, and the amount of taxes of each separate class, which receipt the auditor shall safely keep in his office.

SEC. 133. No demand for taxes shall be necessary, but it is hereby made the duty of every person subject or owning property subject to taxation, to attend at the office of the assessor and collector of taxes, unless otherwise provided by ordinance, at some time between the first day of October of the current year and the first day of January of the year following, and pay his taxes, and if any one neglects to pay such taxes before said first day of January following the levy, said taxes shall be delinquent and shall bear such penalty as may be provided by the city council by ordinance, but such penalty shall not exceed two per cent. on the amount of such delinquent taxes for each and every month and part of month during which said taxes continue delinquent and unpaid, and the assessor and collector of taxes shall continue to receive taxes with lawful penalties and costs added after said taxes shall have become delinquent until collected by seizure and sale. And the city council may allow rebates at a rate not to exceed one per cent. a month on taxes paid before the maturity thereof.

SEC. 134. The city assessor and collector of taxes may receive taxes on parts of any lots or parcels of real property or on undivided interest therein, but no such taxes shall be received until the person tendering the same shall have furnished to said assessor and collector a particular description of the part or interest on which payment is tendered, and the assessor and collector shall enter such specifications and the name of the person paying, at its proper place in the assessment books, so that the part or interest on which payment has been made and the part or interest on which the taxes remain unpaid, may clearly appear.

SEC. 135. The city council shall adopt rules and regulations to govern the giving of tax receipts by the assessor and collector of taxes, and shall provide assessment sheets and fix and determine in what manner the auditor shall check and regulate the accounts of such assessor and collector.

SEC. 136. If any taxes on personal property shall be suffered to become delinquent, the city assessor and collector of taxes shall proceed at once to make the same by the seizure and sale of the property on which such taxes were levied or of any other personal property belonging to the same owner and not exempt by law, and the tax books alone shall be sufficient warrant for such seizure and sale. All goods and personal property seized by said assessor and collector shall be kept by him at the cost and expense of the delinquent owner; and said assessor and collector shall give notice of the time and place of sale, and of the property to be sold within five days after the seizure. Notice shall be given by posting written or printed notices for not less than five consecutive days prior to the day of sale, at three public places in the city of Fort Worth, and the time of sale shall not be more than fifteen days from the date of seizure. Sale



shall be made by public auction to the highest bidder for cash, and no period shall be allowed for redemption of any property so sold. The city assessor and collector of taxes may appoint one or more deputies to aid him in the speedy collection of delinquent taxes, and any person resisting or impeding said assessor and collector or any of his deputies in the performance of any of the duties required of him or them by the provisions of this section shall be liable to be fined in any sum not exceeding one hundred dollars. The assessor and collector shall be allowed fees for the seizure of personal property for delinquent taxes, and for keeping the same in custody, and for preparing and posting notices of the sale thereof, and for selling such property and executing to the purchaser proper bills of sale, and the city council shall by ordinance fix the amount of such fees, which shall not exceed the amount allowed to sheriffs for like services under execution from a court of record.

SEC. 137. The city council shall provide by ordinance for settlement with the assessor and collector of taxes for delinquent taxes on personal property which said assessor and collector has been unable to collect, and for delinquent taxes on real estate sold for taxes to the city or otherwise, remaining uncollected without fault on the part of said assessor and collector.

SEC. 138. On the first Monday in September of each year the assessor and collector of taxes shall begin and from day to day, excepting only such days as are legal holidays, shall continue to offer for sale and to sell at public auction at the door of the court house of Tarrant county all real property on which any taxes then remain due and unpaid, and such sales shall be made for the total amount of taxes, penalties and costs then due and unpaid on such real property. Notice of the sale of real property for city taxes shall be given by publishing the same once in some daily newspaper published in the city of Fort Worth, and such publication shall be made not less than ten nor more than twenty days before the day on which sale begins. The notice shall state the time and place of sale, and shall contain a description substantially of the property as is contained in the tax books of the separate parcels of land to be sold, and of the amount of taxes owing thereon, and of the amount of penalties and costs accrued against each such parcel. The city assessor and collector shall charge and collect in addition to the taxes and penalties on each lot, tract or parcel of real estate advertised for sale, a sum representing as near as practicable the proportional cost of publishing such notice of sale, and he shall carefully examine and correct the proof of said notice, and obtain a copy of the paper containing said notice, together with the certificate of the due publication of the same from the manager or publisher of the newspaper in which the same was published, and shall file the said copy and certificate in the office of the city auditor, and said certificate shall be in such form as said auditor may prescribe after advising with the city attorney. Said assessor and collector shall also charge one dollar for each and every tax deed executed, acknowledged and delivered under the provisions of this charter, but the cost of said deed must not be included in the aforesaid advertisement, and no charge shall be made for the same, unless it be actually executed and acknowledged. If the purchaser so requests any number of lots or parcels of real estate bought by said purchaser may be included in one tax deed, and in every such case

the purchaser shall pay an additional fee of ten cents for every additional lot or parcel included in said deed.

SEC. 139. On each day of sale, the city assessor and collector of taxes shall offer for sale at public auction at the court house door of said Tarrant county, in said city, each separate tract and parcel of land advertised for sale, on which the taxes, penalties and costs have not been paid, beginning at the hour of 10 o'clock a. m., and continuing with such intermissions as said assessor and collector may think proper and advisable to the hour of 5 o'clock p. m., and said assessor and collector of taxes may adjourn or continue said sale from day to day, excepting only such legal holidays as may intervene, until all the taxes have been paid or all the real property sold. The person who offers to pay the taxes, penalties and costs on any separate tract or parcel of real estate for the smallest portion of same, shall be considered the successful bidder therefor and the purchaser thereof, and the amount of every successful bid shall be paid at once in cash, and upon failure so to pay such amount, the said tract or parcel of real estate shall be again at once offered for sale, as if no sale had been made. The person who will pay taxes, penalties and costs for the least number of feet or inches in width, beginning at and calculated from the most southern southerly boundary line of the tract or parcel of real estate offered for sale, shall be taken and held to be the purchaser for the smallest portion of such tract or parcel, and all bids for less than the whole tract or parcel shall be made in feet or inches, to begin and be calculated as aforesaid.

SEC. 140. If any tract or parcel of land cannot be sold for the amount of taxes, penalties and costs thereon, the same shall be struck off to the city for that amount, and the city assessor and collector of taxes shall make a record in a proper book or books of all sales of real estate for taxes, penalties and costs, describing as in the tax books each separate tract or parcel of real estate sold, and stating the amount of taxes, penalties and costs thereon, and showing how much and what part of such tract or parcel was sold, and to whom sold, and the date of sale. Sales may be made and tax deeds executed by the city assessor and collector of taxes either in person or by deputy, and the rights and interests conveyed by any such tax deed may be sold, conveyed and transferred in the same manner as is provided by law in case of the sale, conveyance or transfer of any other interest in land.

SEC. 141. Upon the payment of the amount of taxes, penalties and costs thereon the said assessor and collector of taxes shall execute, acknowledge and deliver to the purchaser a deed for the tract or parcel of real estate or portion of such tract or parcel to such purchaser, and said deed, which shall be styled and designated a tax deed, shall vest in the grantee therein named an absolute estate and title in fee simple to the property thereby conveyed free from any and all encumbrances of whatsoever kind or nature, and subject alone to all unpaid taxes which are a lien thereon, and to the right of redemption as hereinafter provided, and said tax deed shall be taken and held in all courts and in all suits and controversies to be presumptive and prima facie evidence of title in the said grantee and in those holding under him, subject alone to the aforesaid lien for unpaid taxes and right of redemption, and in all suits and controversies as to the right, title or any interest of the grantee in any such deed, or the heirs or assigns of any such grantee, said deed shall

be admitted and received, and shall be taken and held as presumptive evidence that said grantee, his heirs or assigns, have an absolute estate and title in fee simple in and to the premises and property conveyed by such deed, subject only to the right of redemption and to the lien for unpaid taxes, if any, and no such deed shall ever be defeated unless the person claiming adversely thereto shall first prove by legal evidence to the satisfaction of the court or jury that he or some one whose right and title he has legally acquired had title at the time of the assessment to the land or real estate conveyed by said deed, and until proof shall also have been made that said land or real estate was not subject to taxation at the date to which the assessment and levy under which sale was made relate, or that the taxes were paid before the sale, or that the land was never listed or assessed for the taxes for which it was sold, or that said land was redeemed within two years after sale or that redemption was tendered within said period under the provisions of this charter, and in case of a tender of redemption the tender must be made good in court, and in case of redemption or tender of redemption it must further appear that the same was made or tendered for the use or benefit of some person having the right of redemption under this charter, and no failure or default in any other respect than as in this section expressly specified, shall invalidate or in any wise affect any tax deed executed by said assessor and collector of taxes, or the right, title or interest of grantee, his heirs and assigns thereunder. Every tax deed executed under the provisions of this charter shall be filed for record in the office of the county clerk of Tarrant county, Texas, within not to exceed six months after the date of sale, or the same shall become, and be null and void.

SEC. 142. The owner of real estate sold for taxes, his heirs or assigns, or legal representatives may, within two years from the date of sale, and not thereafter, redeem the estate and premises sold, by paying or tendering payment to the purchaser, his heirs, assigns or legal representatives of double the amount of money paid for the land, and in case where sales have been made to the city, redemption may be made by paying the amount required to redeem as aforesaid to the city assessor and collector of taxes, who shall issue a redemption receipt therefor, which receipt shall not be valid or admissible in evidence until it shall have first been countersigned by the city auditor.

SEC. 143. Tax deeds executed under this charter where redemption has not been actually made under the provisions hereof, can be avoided only by some action, plea, interplea or cross bill showing facts sufficient to avoid such tax deed and praying for its cancellation, and all suits and proceedings, whether by petition, intervention, answer, cross bill or in any other manner whatever purposed or intended to defeat or avoid any such tax deed, or to defend against the same for any irregularity, defect or default in such deed, or in any preliminary thereto, or in any proceeding from the assessment to the sale and execution of such deed or for any other matter or thing affecting the validity of such deed, or the title and right vested in the grantee thereunder, shall be commenced within three years from the time of the filing of such deed for record, and not thereafter. And any person filing a tax deed for record shall be taken and held to have set up such a claim of title to the real estate described in said deed and to have such apparent title thereto as will enable any person claiming to own said real estate to maintain an action for the cancellation

of said tax deed, and said tax deed when offered shall be admitted and received in evidence without further proof to sustain said deed or the right, title and interest thereby conveyed.

SEC. 144. If any unredeemed tax deed be held void or of no effect to convey the real estate described therein or the interest in such real estate which such deed purports to convey, the grantee in such deed, or his heirs, assigns or legal representatives as the case may be, shall nevertheless be held to be subrogated to the rights and liens of the city against the said real estate, and the owner thereof, and shall recover against said owner twice the amount of all taxes, penalties and costs paid to the city for such tax deed, with interest thereon from the date of such payment at the rate of 8 per cent. per annum, and with a foreclosure of a first and prior lien upon said real estate and an order for the sale thereof.

SEC. 145. Each assessment, land tax book, personal tax book, notice, advertisement, deed, paper and document of every nature and description, made or executed under or pursuant to this article, shall be liberally construed to affect the purposes and objects of this article, and in determining the validity thereof. No error or irregularity in assessment, land tax book, personal tax book, notice, advertisement, deed, paper or document aforesaid, relating to the assessment, levy or collection of the taxes of the city, shall in any manner affect or impair the validity of any tax or of any sale or other proceeding for their collection. This charter shall be taken and held to be a full and sufficient notice of all acts and proceedings for the assessment, levying and collecting of taxes of the city of Fort Worth.

SEC. 146. If any real estate conveyed by any tax deed is held adversely to the grantee therein, suit under such tax deed for the recovery of said real estate, shall be commenced within five years next succeeding the date of sale and not thereafter.

SEC. 147. No license or permit shall ever be granted by the said city, or by the city council, to any person, firm, joint stock association, or corporation to sell spirituous, vinous or malt liquors or any other intoxicating beverage at retail within two hundred feet of any public school building in said city.

SEC. 148. The city council shall also have and possess the following express powers, in the exercise of which their judgment and opinion, as expressed in any ordinances passed and adopted by them, shall be final and conclusive, to wit: To license, tax and regulate hackmen, draymen, omnibus drivers, baggage wagon drivers, and drivers and owners of vehicles of every kind, and all others pursuing like occupations with or without vehicles, and prescribe their compensation, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered; and to provide and regulate stands for vehicles, and to prohibit the standing of such vehicles at other places, and regulate, license and restrain runners for railroads, vehicles of any kind, hotels, public houses of any kind, or other business of any kind. To restrain and prohibit the selling or giving away indirectly, to evade a tax or penalty, of intoxicating or malt liquors by any person within the city, except by persons duly licensed. To forbid or punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or habitual drunkard. To close drinking houses, saloons, barrooms, beer saloons and all places or establishments where intoxicating or fermented

liquors are sold on Sunday, also all places of amusement and business. To restrain and prevent the sale, bargaining or giving away of any intoxicating liquors in any house or place where any theatrical or dramatic representations are given; to restrain and prevent the same from being brought in or to such places under any pretext whatever. All rooms or buildings or apartments of any kind inside the rooms where such representations are given, or being a part of it, or joining or connecting therewith by any door or doors, dumb waiter or opening of any kind, shall be held to be within the places inhibited by this section. To prevent and punish the keeping of houses where indecent, lewd, or immodest theatrical representations are given, houses of prostitution within the city, and to adopt summary measures for the removal or suppression of all such establishments. To prevent all trespasses, breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, obscene, profane and insulting language, misdemeanors, and all disorderly conduct, and punish all persons thus offending. To suppress and prevent any riot, affray, noise, disturbance or disorderly assembly in any public or private place in the city. To prohibit and restrain, or to regulate the firing of fire crackers, guns and pistols, or the use of velocipedes or bicycles, or of any pyrotechnic or other amusements or practices tending to annoy persons passing in the streets or sidewalks, or to frighten horses or teams. To restrain and prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, practices and performances tending to the collection of persons on the streets and sidewalks by auctioneers and others for the purposes of business or amusement, or otherwise. To regulate, restrain and punish vagrants, mendicants, street beggars and prostitutes. To prevent, prohibit and suppress horse racing, immoderate or careless riding and driving in the streets. To prohibit and punish the abuse of animals, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing or remaining in the streets. To prevent, regulate and control the driving of cattle, horses and all other animals into or through the city. To establish and regulate public pounds, and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats and all other animals, and to authorize the distraining, impounding and sale of the same for the cost of the proceeding and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners thereof for a violation of any ordinance relating thereto.

To require pawnbrokers, dealers in second hand goods, wares and merchandise of any kind, and junk dealers, to keep a book in which shall be entered in ink a minute description of every article purchased by or pawned with such pawnbroker, dealer in second hand goods or junk dealers, including the number of such article, if the same bears a number, and the name of the person from whom such article was purchased or received in pawn, and the hour of the day and date of the same, which book shall be subject to inspection at all times by the marshal, and deputy marshal, and any policeman of said city, and to any sheriff and deputy sheriff, or constable, or deputy constable of Tarrant county, and to provide adequate penalties for the failure to keep such book, or to submit the same to the inspection of such officers.

To require every street car company or other owner of street car tracks or other railroad tracks in said city occupying or using any street, alley,

avenue or other highway or any public ground within the city or operating or maintaining tracks for its street cars or other cars thereon, shall keep in repair to the entire satisfaction of the city engineer and of the city council of said city the streets, alleys, avenues, highways and public grounds, or the parts thereof occupied or used by said company or persons for tracks as aforesaid, and three feet on each side of the outer rail of each such track, and where there are double tracks the street between the said tracks shall also be kept in repair by the company or persons maintaining or using such double track. To tax, regulate or restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties on the owners or keepers thereof for violations of such ordinances. To establish or erect or cause to be established or erected markets and market houses. To designate, control and regulate market places and privileges; to inspect and determine the mode of inspecting meat, fish, vegetables and all produce and every article and thing herein brought for sale. To license, tax and make such rules and regulations in relation to butchers as they may deem necessary and proper. To regulate the inspection of beef, pork, flour, meal, salt, milk, oleomargarine and other provisions, whiskey and liquors to be sold in barrels, hogsheads and other vessels and packages; to appoint weighers, guagers and inspectors, and prescribe their duties and regulate their compensation. To regulate the weight and quality of the bread to be sold or used within the city. To establish a free library and to adopt rules and regulations for the proper management thereof, and to appropriate such part of the revenue of the city for the management and increase of such free library as the city council may determine. To create, establish and regulate the police of the city; to appoint watchmen and policemen, on recommendation of the city marshal, and to prescribe their duties and powers and compensation. To erect and establish one or more work houses or houses of correction within or without the city limits, make all necessary rules and regulations therefor, and appoint all necessary keepers or assistants. In such work houses or houses of correction may be confined all vagrants, stragglers, idlers, suspicious and disorderly persons who may be committed by the recorder; and any person who shall fail or refuse to pay the fine, penalty or cost imposed for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to jail, be kept therein subject to hard labor and confinement. To compel and force all offenders against any of the ordinances of the city found guilty by the city judge and sentenced to fine, who shall fail or refuse to pay such fine and all costs and penalties, to labor on the streets or alleys of the city or on any public works under such rules and regulations as may be by ordinance established. The city council shall also have the power to prohibit or regulate the carrying of fire-arms and deadly weapons upon or about the person within the said city, and to restrain or prohibit all games of chance, and to prohibit betting at games, or the keeping or exhibition for the purpose of gain of any gaming table, bank or device of any kind whatever.

The city council may also compel the consumption of smoke and may enforce by fine all such rules and regulations as in its judgment may be necessary to prevent the escape of smoke and steam in such manner or in such quantity as will be deleterious or injurious to the health or comfort of the inhabitants of said city, and said city council may also regulate and

direct the size, construction and maintenance of boilers, smoke flues, chimneys, smoke stacks and all other contrivances for the escape of smoke and may prescribe the height thereof and may regulate the escape of steam and may fix rules and regulations governing the same, and may enforce such rules and regulations by a fine not to exceed \$200.00 for each and every offense.

SEC. 149. Whenever, in the opinion of the city engineer or the city council any building, fence, shed, awning or any structure of any kind or any part thereof is liable to fall down and endanger persons or property said city engineer or city council may order any owner or agent of the same, or any owner or occupant of the premises on which such building, shed, awning or other structure stands, or to which it is attached, to brace and support or to take down and remove the same or any part thereof within such time as may be directed, and the city council may provide by ordinance for punishing by fine any neglect, failure or refusal to comply with any such order. The city council shall, in addition, have the power to brace and support or to remove any such structure at the expense of the city on account of the owner of the property or premises and assess the expenses on the land on which it stood or to which it was attached, and shall by ordinance provide for such assessment, the mode and manner of giving notice, and the means of recovering such expense.

SEC. 150. The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations not contrary to the Constitution of this State, for the good government, peace and order of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this charter in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and costs; but no fine or penalty shall exceed two hundred dollars; and for any fine, penalty and costs imposed by the recorder in the trial of any cause or complaint before him, execution may issue to collect such fine, penalty and costs to be levied and executed in the same manner that executions are from the district or county court. The same shall be issued by the recorder to the marshal, who, in levying on the property and selling shall have like power and authority as the sheriff in executions issued from the district or county court, and the laws of the State, so far as applicable, shall apply to and be in full force and effect as to the executions issued from the corporation court in Fort Worth, and any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs, and in default thereof may be imprisoned in the city prison or work house or house of correction, or may be required to work on the streets or other public work of the city for such time and in such manner as may be provided by ordinance or by law.

SEC. 151. The style of all ordinances shall be, "Be it ordained by the City Council of the City of Fort Worth"; but it may be omitted when published in the form of a book or pamphlet.

SEC. 152. Every ordinance imposing any fine or penalty or forfeiture for violation of its provisions shall, after the passage thereof, be published in every issue of the official paper for ten days, and affidavit of such publication by the printer or publisher of such paper, taken before any officer authorized to administer oaths and filed with the secretary, shall

be conclusive evidence of such publication; provided, that any other competent evidence may be received to establish or controvert the fact of publication. Ordinances requiring publication shall be in force after ten days' publication; provided, that the same shall be published for a longer time if therein expressly provided. Ordinances not requiring publication, and none shall require publication but those imposing some fine, penalty or forfeiture, shall take effect from and after passage, unless therein otherwise expressly provided. Revised or digested ordinances published in pamphlet form by authority of the city council need not be published in any newspaper, and the publication in pamphlet form of such ordinances shall be held and taken as sufficient publication even though such ordinances, or any of them, impose a fine, penalty or forfeiture.

SEC. 153. All ordinances of the city published in book or pamphlet form by authority of the city council shall be admitted in evidence in all courts and places without further proof, and copies of ordinances, resolutions and proceedings of the city council, certified by the city secretary to be true copies, with the city seal affixed, shall also be admitted in evidence without further proof in all courts and in all matters where the original would be admissible.

SEC. 154. All ordinances, resolutions, rules and regulations in force in said city at the time of the taking effect of this law, and not in conflict herewith, shall remain in full force until altered, amended or repealed by the city council after this law shall take effect.

SEC. 155. The city council shall have power to remove any officer for incompetency, corruption, misconduct, habitual drunkenness, or malfeasance in office, after due notice and an opportunity to be heard in his defense; provided, that two-thirds of the aldermen elected shall vote for said removal. In addition to the foregoing power by removal, the city council shall have power at any time to remove any officer elected by them by resolution declaratory of its want of confidence in such officer; provided, that two-thirds of the aldermen elected vote in favor of said resolution.

SEC. 156. Any officer intrusted with the collection or custody of funds belonging to the city, who shall be in default to the city, besides being liable to criminal prosecution and a civil action for debt, shall thereafter be incapable of holding any office under said city until the amount of his defalcation, with eight per cent. interest per annum, has been fully paid. And in case such defalcation has been paid by the bondsmen of such officer, then until he shall have fully paid and settled with his bondsmen and shall have filed his affidavit with the city secretary stating such payment and settlement.

SEC. 157. Resignations by any officer authorized to be elected or appointed under this law shall be made to the city council in writing, subject to their approval and acceptance; provided, that no officer shall be released from the duties and responsibilities of his office until his successor has been chosen and qualified.

SEC. 158. Whenever any person shall be removed from any office or his term shall expire or he shall resign, or for any reason he shall cease to act in his official capacity, he shall deliver over to his successor all books, papers and effects in any way appertaining to his office. In case of his failure or refusal to do so upon demand from his successor, he shall



be deemed guilty of a misdemeanor and be fined in any sum not exceeding two hundred dollars after complaint and trial before the corporation court.

SEC. 159. No member of the city council shall hold any other office under the city while he is a member of the city council, unless herein otherwise provided, and no member of the city council nor any other officer of the city shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is to be paid by the city, nor shall any such member be surety of any person having any contract, work or business with the city for the performance of which surety may be required, or surety on the official bond of any officer of the city.

SEC. 160. Each alderman of said city shall receive a salary of four dollars for each regular and two dollars for each called or adjourned meeting of the city council.

SEC. 161. Each alderman shall be fined three dollars for each meeting he fails to attend, unless absent on account of his own sickness or that of members of his family. Any member remaining absent from three regular meetings of the board, unless prevented by sickness, or the sickness of the members of his family, without having first obtained leave of absence at a regular meeting, shall be deemed to have vacated his office, and the vacancy shall be filled as other vacancies in the office of aldermen.

SEC. 162. The city council shall have power to prescribe the duties of all officers and persons appointed by them or elected to any office or place whatever, subject to the provisions of this law and to remit in whole or in part on such conditions as may be deemed proper by a vote of two-thirds of the members present, any fine or penalty or cost belonging to the city.

SEC. 163. It shall not be necessary in any action, suit or proceeding in which the city of Fort Worth shall be a party, for any bond, undertaking or security to be executed in behalf of the city, either in a trial court or on appeal or writ of error or certiorari; but all such actions, suits and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and for all the purposes of such actions, suits and proceedings the city shall be liable in the same manner and to the same extent as if the bond, undertaking or security in ordinary cases had been duly executed.

SEC. 164. Before the city of Fort Worth shall be liable for any damage of any kind, the person claiming damages, or some one for such person, shall give to the city secretary or mayor notice in writing of such injury within not to exceed thirty days after the same shall have been received, stating in such notice when and how the injury occurred, and the cause and extent thereof, and the city shall not be liable unless notice shall have been given within the time and in the manner herein provided.

SEC. 165. The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds or property belonging to said city in the hands of any person be liable to garnishment on account of any debt it may owe, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment for or on any account of any officer of said city.

SEC. 166. The cemetery lots which have been or may hereafter be

laid out and sold within said city for private places of burial shall, with their appurtenances, be forever exempt from taxes and forced sale.

SEC. 167. All property, real and personal, belonging to the city of Fort Worth is hereby vested in the corporation created by this act, and the officers of said city now in office shall continue to exercise the powers, functions and duties and to receive the emoluments and compensation herein prescribed until they shall have been severally superseded by the election or appointment and qualification of their respective successors as herein provided.

SEC. 168. All suits, taxes, penalties, fines, forfeitures and other rights, claims and demands which have accrued under the laws heretofore in force governing said city shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall be in no wise affected by the passage, adoption and taking effect of this act and charter.

SEC. 169. The ordinances of said city which are of a general nature shall be revised, digested and published under the direction and supervision of the city council within not to exceed six months after this act shall have taken effect, and a like digest shall be made and published at the expiration of every period of ten years thereafter, and it is also made the duty of the city council to cause to be printed in pamphlet form at end of each calendar year all ordinances, general and special, passed and adopted during said year.

SEC. 170. This act shall be taken and held to be a public law, and all courts and tribunals shall take judicial cognizance and knowledge of the contents and provisions hereof, and it shall not be necessary to plead or prove such contents or provisions.

SEC. 171. Whenever any person or persons shall offer himself or themselves as a surety or as sureties upon any bond or contract of indemnity to the city they shall, if thereunto requested by the city council, appear before said council and make satisfactory proof of their sufficiency as such sureties, and the opinion and judgment of the said city council upon the sufficiency of any such surety or sureties shall be final and conclusive and shall not be subject to review by any court or tribunal, or in any proceeding of any character whatsoever. And, said city council shall have the right to require at least one surety on any or all bonds so presented to be a guaranty or surety company authorized to do business in this State.

SEC. 172. The special act of the Legislature of Texas entitled "An Act to incorporate the city of Fort Worth, and to grant a charter to said city," approved March 20th, 1889, and the amendments thereto adopted by said Legislature in the years 1891, 1893, 1895 and 1897, and all other laws and parts of laws in conflict with the provisions of this act are hereby expressly repealed.

SEC. 173. Whereas, there are no adequate laws now in force providing for the paving, repaving, improving and repairing of the streets and sidewalks of the said city of Fort Worth and the jurisdiction of the municipal court of the said city is questioned and the city revenues are impaired by reason of its alleged want of jurisdiction; and whereas, the tax laws of said city are imperfect and the tax levies made upon the property situated therein cannot be enforced, leaving a serious impairment of its revenues, there exists an imperative public necessity for the suspension of

the constitutional rule requiring bills to be read on three several days and an emergency exists which requires that this act become and be in effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 98, nays 2.]

Approved May 9, 1899.

Became effective May 9, 1899.

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### DALLAS—GRANTING IT A NEW CHARTER.

#### H. B. No. 342.]

#### CHAPTER VIII.

An Act to incorporate the city of Dallas, and to grant it a new charter.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the inhabitants of the city of Dallas, in Dallas county, and the State of Texas, shall continue to be and are hereby constituted a body politic and corporate by the name and style of The City of Dallas, and by that name shall have perpetual succession; shall have all the rights, immunities, powers, privileges, and franchises now enjoyed by said city, and herein granted, and be subject to all its present liabilities, and may sue and be sued, plead and be impleaded, in courts of law and equity; may contract and be contracted with, make, take, hold and convey any property whatever, for corporate purposes, either within or without the city limits; and may have a common seal, and alter the same at pleasure.

SEC. 2. That the bounds and limits of said city are hereby established and described as follows: Beginning on the east bank of Trinity river at low water mark and midway between Commerce street and Main street; thence southerly with the meanderings of said river to the southeast boundary line of the A. C. McDaniel survey; thence in a course about north, 45 degrees east, with said southeast boundary line of the A. C. McDaniel survey, to the northeast line of right of way of the Houston & Texas Central Railway main track, a distance of 4250 feet, more or less; thence northwesterly with said right of way line of the Houston & Texas Central Railway main track a distance of 7190 feet, more or less, to the southeast boundary line of East Dallas; thence with said southeast boundary line of East Dallas north, 45 degrees east, 9550 feet, more or less, to Fitzhugh avenue; thence along Fitzhugh avenue north, 45 degrees west, 8300 feet, more or less, to Flora street; south, 45 degrees west, 3150 feet, more or less, to Haskell avenue; thence along Haskell avenue north, 45 degrees, 5350 feet, more or less, to Preston avenue; thence southwest along Preston avenue 360 feet, more or less, to a point, the northeast boundary line of Bowser & Lemmon's Oak Lawn and North Dallas addition to the city of Dallas; thence with the northeast line of Bowser & Lemmon's addition to the city of Dallas to the southeast side of Argyle avenue, a distance of 2040 feet, more or less; thence with the southeast side of Argyle avenue, about south, 45 degrees west, to the southwest side of Cedar Springs road, a distance of 2750 feet, more or less; thence with

the southwest side of Cedar Springs road about south, 45 degrees east, to the southeast side of Oak Lawn avenue, a distance of 210 feet, more or less; thence south, 45 degrees west, with the southeast line of Oak Lawn avenue, 2400 feet, more or less, to the northwest line of Maple avenue; thence with said avenue line north, 45 west, 688.8 feet; thence south, 45 west, 1507 feet, to the northeast line of the right of way of the Dallas & Wichita Railway; thence southeast along the northeast line of right of way of the Dallas & Wichita Railway to a point where the prolongation of the southeast line of Oak Lawn avenue intersects the said right of way line; thence south, 45 west, along the prolongation of Oak Lawn avenue to the southwest line of the right of way of the Dallas & Wichita Railway; thence northwesterly along said southwest line of said right of way 700 feet, more or less; thence south, 45 west, 1700 feet, more or less, to a stake; thence south, 45 east, 150 feet, more or less, to the bank of the Trinity river; thence southeast along said bank of the Trinity river to the mouth of Turtle creek; thence easterly along Turtle creek to the southwest line of the right of way of the Dallas & Wichita Railway; thence southeasterly with the southwest line of the right of way of the Dallas & Wichita Railway to the northwest side of Payne street; thence with the northwest side of Payne street, extended to the original corporation line of the city of Dallas, 770 feet, more or less; thence with said original corporation line about south, 76 west, to the low water mark of the Trinity river, 1200 feet, more or less; thence southerly with the meanderings of said river to the place of beginning.

SEC. 3. That any territory adjoining the present or future boundaries of said city may from time to time, in any size or shape desired, be admitted and become a part thereof on application made or written consent given to the city council by the owner or owners of the land, or, as the case may be, by a majority of the legal voters resident on the land sought to be added. In all such cases the territory so added shall be described by metes and bounds, in an ordinance accepting, assenting and adding the same to the municipal corporation; and thereafter the inhabitants of said added territory shall in all respects be on an equal footing with the inhabitants of the original municipal territory.

SEC. 4. That not less than sixty days prior to the next general election under this charter the city council shall divide the city into wards and aldermanic districts in such manner as to conform to the other provisions of this section. Such wards and districts shall be fixed and established so as to contain as near as practicable the same number of qualified voters of the city in each such ward and district respectively. The said wards shall be so fixed and established as that the right of way of the Texas & Pacific Railway shall separate said wards lying north and south of said right of way, and each aldermanic district shall consist of two adjoining or contiguous wards. In the event the said city council shall fail to divide the city into wards and aldermanic districts, in the time and manner above mentioned, then it shall be the duty of the county commissioners' court to accordingly divide the said city into such wards and districts, not less than thirty days prior to the next general election under this charter. The wards in the city of Dallas, as established when this charter goes into effect, and the number of aldermen of the city shall remain as established and fixed until the next general election under this charter, and until changed by the city council in conformity with the

foregoing provisions of this section. The wards shall never exceed eight in number, and the aldermanic districts shall never exceed four in number, unless upon the addition of new territory the city council may deem it necessary to increase such wards to ten, and such aldermanic districts to five; but in no event shall the number of wards in the city exceed ten and the aldermanic districts exceed five. Upon the addition of new territory the council may create two new wards and one aldermanic district therein, or annex such territory to any ward or wards and district already established. In the event that any additional wards are established prior to a general election there shall be held a special election for aldermen therein by the qualified voters of said wards and the aldermanic district composing the same, who shall hold their offices until the next general election for aldermen, and thereafter the aldermen shall be elected from such said wards and such aldermanic district as other aldermen of the city. The city council may at any time decrease the wards of the city to never less than six, and the aldermanic districts to never less than three, or increase the wards never to exceed eight, and the aldermanic districts never to exceed four, unless upon the addition of new territory, and then never to exceed ten wards and five aldermanic districts, by correspondingly changing the wards and districts of the city not less than thirty days prior to a general election for aldermen. In all subdivisions of the city into wards and districts there shall always be from and after the next general election one-half as many aldermanic districts as there are wards, and all aldermen from the wards shall be elected by the qualified voters of each of such wards, and the aldermen from the aldermanic districts shall be elected by the qualified voters at large in the city.

SEC. 5. All qualified electors of the State, who shall have resided for six months immediately preceding the election within the limits of said city, shall have the right to vote for mayor and all other elective officers of said city, but in all elections to determine the expenditure of money, or assumption of debt, or levy of special taxes, only those shall be qualified to vote who pay taxes on property in said city, their qualification to be ascertained by an inspection of the assessment rolls.

#### LEGISLATIVE DEPARTMENT.

SEC. 6. The legislative power of the city of Dallas shall be vested in the city council, consisting of the mayor and one alderman from each ward, and one alderman from each aldermanic district, all of whom shall be elected by the people, as hereinafter provided; said officers shall perform such duties as are herein required, and as may be prescribed by ordinance. The mayor shall receive an annual salary of twenty-four hundred dollars, and he shall not receive any fees or commission. The aldermen shall receive as compensation for their services ten dollars per month.

SEC. 7. No person shall be eligible to the office of mayor, or alderman, or president, or member of the board of education, unless, in addition to the qualification required by law, he be at the date of his election a qualified voter of the city of Dallas, and shall have resided therein for at least two years preceding his election, and shall not be in arrears in the payment of any taxes or other liability due the city. Whenever new territory shall hereafter be added to the city, and new wards and aldermanic districts are established, the alderman or aldermen from such territory shall

have resided in said territory two years preceding his election, and otherwise possess the qualification above, as far as practicable.

SEC. 8. No person shall be eligible for any office, elective or appointive, of the city of Dallas unless he shall be a qualified voter therein; and no person shall be eligible for or qualified to hold and exercise the office of mayor or alderman, or any office whatever of said city, who owns or holds any shares of stock in, or who is pecuniarily interested in, or is in the employ of any corporation having or to have any contract with said city by which it holds any right, franchise or immunity from said city government, or which is entitled to any compensation out of the city treasury; provided, that the disqualifications above mentioned shall not be so construed as to apply to laborers and persons engaged in the ordinary and usual service of said corporations in the mechanical operation and conduct of their legitimate business in said city; and no member of the city council or other city officer shall be eligible to any office or employment under the city government during the term of the office to which he was elected, unless in the city charter otherwise provided; and no member of the city council, board of commissioners, or board of education, or any other officer of the city, shall be directly or indirectly interested in any work, business, or contract, the expense, price or consideration of which is paid from the city treasury or by assessment levied by an ordinance or resolution of the city council; nor be the surety of any person having a contract, work or business with said city for the performance of which security may be required; nor be surety on the official bond of any officer of said city. Contracts in violation of said provision shall be void; and no member of the board of education shall be, at any time during his term of office, directly or indirectly interested in, or in the employ of, any school book publishing or furnishing company or concern, or school furniture company or concern.

SEC. 9. The elective officers of the city of Dallas shall be the mayor, city attorney, chief of police, city tax assessor, city tax collector, city health officer, the president and six members of the board of education, one alderman from each ward, one alderman from each aldermanic district, city judge, street superintendent, superintendent of water works, and chief of the fire department. The first general election under this charter shall take place on the first Tuesday in April, 1900, at which time and every two years thereafter, there shall be elected by the qualified voters of the city of Dallas the officers above mentioned, who shall hold their respective offices for two years, and until their successors are elected and qualified. In the event that at the date of the first general election held after the passage of this act, in said city, there shall then be appointed and qualified to act a quorum of the board of commissioners hereinafter provided for, such chief of police and the chief of the fire department aforesaid shall be appointed by said board of commissioners as hereinafter provided, and that at the expiration of the terms of office of any chief of police or chief of the fire department, the said offices shall be filled by appointment by said board instead of by election, in the event that there shall then be appointed and qualified to act a quorum of said board of commissioners.

SEC. 10. Each alderman from a ward at the time of his election shall have been a resident of the territory included in said ward for at least twelve months next preceding his election, and shall be voted for only by

the qualified voters of such ward as alderman from such ward. Each alderman from an aldermanic district at the time of his election shall have been a resident of the territory included in the district from which he is elected, for at least twelve months next preceding his election, and shall be voted for by all the qualified voters of the city at large. The candidate from each aldermanic district receiving the highest number of votes as alderman from such district shall be elected as alderman from such district.

SEC. 11. Said elections shall be held at such places as the city council may direct, and at least fifteen days' notice thereof shall be given by publication in one or more newspapers of said city.

SEC. 12. Said election shall be ordered by the mayor or the city council. For the purpose of holding such election, and others ordered, the city council shall appoint, biennially, in each ward some suitable person who shall be presiding officer at all elections in his ward.

SEC. 13. All such elections shall be held according to the provisions of the law of the State of Texas applicable thereto; the presiding judges thereof shall be qualified voters in the city. The city council shall provide for their compensation and regulate and define their duties and powers, and they shall have such judges and clerks as are in such cases provided by the laws of the State of Texas, which judges and clerks shall be selected by the presiding judge. In case the officer so appointed presiding judge is unable, fails or refuses to act as such, or the city council shall fail to appoint, or in case no presiding officer appears to open the polls, the attending qualified voters shall appoint such officer, who shall have the same powers and perform all the duties of the presiding judge. But in such cases, such judges shall in their returns certify that the presiding officer, acting as such, was duly elected by the electors present.

SEC. 14. The manner of conducting and voting at such elections under this act, keeping the poll lists, canvassing the votes and certifying the returns, shall be such as provided by the laws of the State of Texas for similar elections, and as may be provided by the city council by ordinance.

SEC. 15. The managers of elections shall be sworn to well and truly conduct the elections, without partiality or prejudice, and agreeable to law, according to the best of their skill and ability, which oath shall be administered to the judges and clerks by the presiding officer. The presiding officer shall be sworn to discharge the duties of presiding officer of elections to the best of his skill and ability, which oath shall be administered by the mayor, city secretary or any justice of the peace.

SEC. 16. Whenever it happens in such elections that there is a tie between one or more candidates for the same office, the mayor or the city council shall declare such election void as between such candidates, and order a new election for such office, giving at least ten days' notice thereof.

SEC. 17. All vacancies in appointive offices under this charter shall be filled by the body or person making such appointment, and all vacancies in any elective office under this charter shall be filled by special election, ordered by the council, upon giving ten days' notice of such special election, but in case the unexpired term of any elective office shall not exceed four months, there need be no special election to fill the vacancy, unless otherwise ordered by the council, and the council may fill such vacancy by appointment for such unexpired term. All vacancies in office, appoint-

ive or elective, shall be for the unexpired term only; provided, that all vacancies occurring in the board of education aforesaid less than four months prior to the expiration of the regular term of office of the persons whose positions on said board are thus vacated, shall be filled by said board.

SEC. 18. Every person elected or appointed to any office in the city of Dallas shall, before he enters upon his duties, take the official oath prescribed by the State Constitution, and such additional oath as the city council may deem best to secure a faithful performance of duty.

SEC. 19. The appointive officers of said city, other than the commissioners hereinafter provided for, shall be appointed by the city council, and shall be, a city secretary, a city electrician, a city engineer, a secretary of water works, and an auditor, and such other officers or agents as the city council may direct. All of the officers to be appointed by the council shall be elected by the city council by viva voce vote on roll call, as the terms of such officers expire at the first regular meeting in October each year. This section shall not be construed to interfere with the term of any person now occupying any of said appointive offices. All appointive officers elected by the council shall hold their offices for two years, and until their successors are elected and qualified. They shall give such bonds as the city council may require, and perform such duties as are herein required. At the expiration of the term of any heretofore appointive office, made elective by this act, the city council shall fill such office by appointment until the next general election for city officers, at which an election shall be held to fill such office.

SEC. 20. The compensation of all officers not herein fixed shall be such as may be fixed by the city council. Such compensation shall be fixed by ordinance, not less than sixty days before each annual election, and when not so fixed shall be the same as in the next preceding term, except when new duties and powers are conferred or a new office is created, to which a compensation may be attached under this charter, in which cases the compensation may be fixed at any time; and the pay of no city officer shall be increased or diminished during his term of office, and no city officer shall receive any extra pay during his term of office, except as in this act otherwise provided. Any increase in salaries of officers made by the provisions of this act shall be in effect from and after the expiration of the present term of such office, until which time the incumbent shall only receive the compensation provided by the charter or ordinances in force when this act takes effect.

SEC. 21. The term "officer," as used in this chapter, shall apply only to those officers who are elected by the people or the council for a fixed and definite period, and the same does not include policemen, except the chief of police, and does not include other agents or employees of said city. All city officers and employees shall enter into such bond for the faithful performance of their duties as the council may require, by ordinance or resolution, and shall perform such other and further duties as the council may from time to time prescribe.

SEC. 22. Any officer moving out of the city limits or the ward or aldermanic district from which he may have been elected alderman, or ceasing to possess any of the qualifications required of him, shall thereby vacate his office, and the same shall be filled as herein provided.



## THE MAYOR.

SEC. 23. The mayor shall be elected and shall hold his office as hereinbefore provided. He shall be the chief executive officer of the city. He shall have power to appoint special policemen for any special occasion, and shall have power to call out the militia and military by order of the Governor for the suppression of any riot or public disturbance. He shall be active in enforcing the laws and ordinances of said city; he shall from time to time give the council information about the condition of affairs, and recommend for consideration such measures as he deems best for said city. He shall have, by the advice and consent of the council, power to appoint experts to examine the affairs of any department of said city when he deems it necessary. In all cases of examination of any charges against any officer or employe of the city, election contest, etc., he shall have power to administer oaths, subpoena and compel the attendance of witnesses, and the production of books and papers. He shall have power to administer official oaths. He shall sign all contracts or obligations of the city, and no contract shall be binding upon the city until signed by the mayor. He shall have power to veto any resolution, by-law, motion or order passed by the city council, by filing his written objection thereto within three days after the passage thereof, Sundays and the day of passage of to be excluded. At the next regular meeting, or as soon thereafter as practicable, the council shall consider such objections, and unless the council pass the measure over his veto by a two-thirds vote of the aldermen present, taken by yeas and nays, such measure shall be of no effect. The mayor shall have power to require any officer of the city to exhibit his books and papers, and the refusal of any officer when so required shall be deemed a forfeiture, and the abandonment of said office. The mayor shall have the exercise of such other powers, and perform such other duties as may be conferred or required by the city council, not inconsistent with this charter. The mayor shall not be absent from the city unless in case of sickness, for more than seven days at any one time, without the consent of the city council.

## THE CITY COURT.

SEC. 24. Until otherwise provided by valid law providing another court, the judicial power of the city of Dallas shall be and the same is hereby vested in a court to be known as the Dallas City Court, to be presided over by a judge, to be known as City Judge, which court is hereby created and established, with a criminal jurisdiction, as follows:

First. To try, hear, determine and punish all misdemeanors over which the Dallas city court now has jurisdiction.

Second. To try, hear, determine and punish all misdemeanors arising under the provisions of this charter; to have concurrent jurisdiction with the State courts over all misdemeanors against the State laws, committed within the city limits, except theft and those involving official misconduct, and to have exclusive jurisdiction over disorderly houses and female vagrants.

SEC. 25. The city court shall be deemed always open for the trial of said causes, and proceedings before said court shall be commenced by filing a written complaint, specifying the charges made against the

accused with reasonable certainty, which complaint shall be sworn to, and shall not be quashed for any formal defects, if it substantially sets forth the nature of the violation alleged. Said court shall have no civil jurisdiction.

SEC. 26. All process of said court shall run in the name of the city of Dallas, and shall be served and executed in the same manner as like process issuing from a State court unless herein otherwise provided. The practice and procedure of the State courts, so far as applicable and practicable, shall govern said city court unless otherwise provided herein or by ordinance of the city council.

SEC. 27. There is hereby created the office of city judge. Said city judge shall be a resident of said city, and a qualified voter therein. He shall be a person learned in the law. He shall hold his office for two years, and until his successor is elected and qualified; he shall preside over and hold said court and discharge all the duties thereof. This section shall in no way interfere with or change the term of office of the present city judge.

SEC. 28. He shall have full power and authority to enforce all powers of said city court. He shall have full power to issue subpoenas for witnesses, and to compel their attendance by process or attachment. He may punish all contempts of his court by fine and imprisonment, or either, he may issue subpoenas, writs of *capias*, warrants of arrest, search warrants, executions, and all process known to law, which State courts in such cases may issue. He may require of any person arrested a bond for his or her good behavior, and to keep the peace, or for his or her appearance before said court, with two good and sufficient sureties, which bond, as well as all other bonds taken in any proceeding in said court, shall be payable to the city of Dallas. He shall have full power to administer official oaths and give certificates therefor. The city council may determine what costs, if any, shall be charged for proceedings, and for all process issued by said court, and shall allow the judge thereof for his services a salary of fifty dollars per month. He shall perform all the duties herein required and such other duties as may be prescribed by ordinance not inconsistent with the Constitution of this State. All fines imposed by said court shall be paid into the city treasury for the use of the city. The city council shall provide said court with a seal and may make the city secretary ex-officio clerk of said court, or may authorize the city secretary to appoint a deputy with power of the clerk, or may appoint a clerk and fix his compensation. In case of temporary failure to act, for any cause, on the part of the judge, the mayor is hereby authorized to appoint some person qualified, who shall discharge the duties of said office and receive the pro rata compensation due therefor; and in such cases the mayor may appoint a member of the city council otherwise qualified; provided, such member shall not be entitled to receive compensation as judge and alderman at the same time.

SEC. 29. All jurors in said court shall be residents of said city and otherwise possess the same qualifications as jurors in State courts. They shall be summoned and selected in such manner as the city council may provide by ordinance. In the event that the Legislature shall at any time abolish the city court and establish any other court in the city in lieu of said city court, the judge of said court by whatever name designated, shall be elected in the manner herein provided for the election of the city

judge, and shall receive for his salary the sum of six hundred dollars per annum until the first general election for city officers under this charter, and thereafter the judge of said court shall receive the salary of nine hundred dollars per annum.

SEC. 30. Appeals shall lie from the Dallas city court to the Court of Criminal Appeals. Said appeals shall be governed by the rules of practice and procedure for appeals from the county court to said Court of Appeals, so far as the same may be applicable.

#### POLICE DEPARTMENT.

SEC. 31. There shall be a police department composed of a chief of police who shall be elected as heretofore provided, and such policemen as may be employed on the force. No other system shall be established and maintained other than the metropolitan system. The chief of police shall enter into a bond with two or more good and sufficient sureties to be approved by the board of commissioners, or if there shall be no such board then by the city council, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties and to indemnify any person or persons injured or damaged by the misfeasance or wrongful act of said chief of police, or by any policeman acting under his direction. The provisions of this section concerning bond and establishment of metropolitan police system herein required, shall take effect at once upon the passage of this act.

SEC. 32. The chief of police shall be the chief police officer of the city under the mayor, or, in case there shall be a board of commissioners appointed, then, in such case, under the police commissioner. He shall, either in person or by deputy, attend all meetings of the council, and upon the city court, and promptly and faithfully execute all writs and process issued from said court. He shall have like power with the sheriff of the county to execute search warrants and other writs. He shall be active in quelling riots, disorders, disturbances of the peace and violations of every kind within the city limits, and shall take into custody all persons thus offending, and may take good and sufficient bail for the appearance before the city court of any person charged with any offense against the ordinances or laws of the city. It shall be his duty to arrest without warrant all violators of said ordinances or laws, and all who obstruct or interfere with him in the discharge of his duties. In the prevention and suppression of crime and arrest of offenders, he shall have the same power of a sheriff of a county under the laws of the State. He shall perform such other duties and possess such other powers as the council may by resolution or ordinance require or confer. He shall receive for his services the sum of eighteen hundred dollars per annum. Policemen of the city shall have and exercise the powers hereby conferred on the chief of police. On the first day of June of each year, or as soon after the first day of June as practicable, the board of commissioners or the city council, if there shall be no board of commissioners, shall appoint all necessary policemen, and may from time to time appoint such special or additional policemen as may be necessary. All policemen shall hold their appointments for one year from the first of June of each year, and until discharged or removed. No policeman shall be removed during the term of his appointment except by the commissioners, or city council in case there shall be no board of

commissioners, and only for such cause as, in the opinion of the commissioners or council, as the case may be, renders him unfit for the service, and after such notice and opportunity to be heard. Policemen and other employes of the police department shall receive the salaries and compensation to be fixed by the board of commissioners, or by the city council, in case there shall be no board of commissioners, and the salaries and compensation now fixed by ordinance or regulation of the said city, shall remain in force until otherwise changed by the said commissioners, or the city council, as the case may be.

#### FIRE DEPARTMENT.

SEC. 33. There shall be a fire department composed of a chief of such department, who shall be elected as hereinbefore provided, or appointed by the board of commissioners as hereinafter provided, if there shall be such a board, and such firemen and employes as may be employed on the force. Firemen shall hold their appointments for one year from the first day of June each year and until discharged or removed. No fireman shall be removed during the term of his appointment except by the commissioners, or city council, in case there shall be no board of commissioners, and only for such cause as, in the opinion of the commissioners or council, as the case may be, renders him unfit for the service and after notice and opportunity to be heard. Firemen and other employes of the fire department shall receive the salaries and compensation to be fixed by the board of commissioners, or by the city council, in case there shall be no board of commissioners, and the salaries and compensation now fixed by ordinance or regulation of the said city shall remain in force until otherwise changed by said commissioners or the city council, as the case may be. The salary of the chief of the fire department shall never exceed the sum of fifteen hundred dollars per annum, payable monthly.

#### OTHER OFFICERS—CITY SECRETARY.

SEC. 34. It shall be the duty of the city secretary to attend every meeting of the council, and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, and to engross and enroll all laws, resolutions and ordinances of the city; to preserve and keep in order all books, papers, documents, record and files of said council; to countersign all commissions and licenses issued by the mayor, and to keep a record of them, and draw all warrants on the treasurer, and countersign the same. He shall have custody of all laws and ordinances of the said city. He shall have custody of the seal of corporation, and shall only affix the same to the obligations of the city by order of the city council. He shall perform such other and further duties as may be required of him by the council, by resolution, ordinance or otherwise, and give such bond, and receive for his services the sum of fifteen hundred dollars per annum. And no legislative action of the city council shall be used in evidence against the city, unless the same shall have been recorded by the city secretary on the minutes or other proper record. The city secretary shall have power to make certified copies of all records of his office, which shall be admissible in evidence in all judicial proceedings and elsewhere

as fully as the original, and may charge for such services such fees as may be provided by ordinance of the city council, which fees shall be paid into the city treasury for the use and benefit of the city.

#### CITY ATTORNEY.

SEC. 35. The city attorney shall attend to all cases in any court in this State wherein the city may be a party in interest, unless the council otherwise provides. He shall draw all ordinances, and inspect and pass upon all papers and documents involving any interest of the city. He shall be the legal adviser of the mayor, the city council, the board of education or any committee thereof, and all city officers upon legal questions touching their official duties. He shall receive for his services the sum of twenty-two hundred dollars per annum, give such bond and perform such other duties as the council may prescribe. Nothing in this section shall be held to prohibit the employment of an assistant attorney by the city council and the payment to such assistant of such salary as the council shall deem proper, not to exceed the sum of twelve hundred dollars per annum. Whenever it is brought to the knowledge of the city attorney, upon the affidavit of ten creditable persons, citizens and tax-payers of the city, that any person, firm or corporation, exercising and enjoying any franchise or public privilege from the city of Dallas, has been guilty of a breach of any condition, or has failed to comply with any condition or consideration mentioned in the grant of such franchise or privilege, it shall be the duty of said city attorney, when satisfied of the facts set forth in said affidavit, upon the recommendation and approval of the board of commissioners, hereinafter provided for, if there shall then be such board, to file suit, in the name of the city, in the proper court against such person, firm or corporation, to obtain a judgment of forfeiture of said franchise or privilege.

#### CITY ENGINEER.

SEC. 36. The city engineer shall inspect and pass upon the construction of all public works ordered by the city, and shall make out plans and specifications and estimates therefor. He shall do the surveying and the engineering ordered by the city; he shall preserve all plans, maps, notes, surveys, books, papers and documents, and other things pertaining to his office made by him or in his charge, and deliver the same to his successor in office. He shall have such other powers and perform such other duties as may be required of him by the council, by resolution, ordinance or otherwise. The city engineer shall receive for his services the sum of fifteen hundred dollars per annum, and give such bond as may be required by the city council.

#### CITY COLLECTOR.

SEC. 37. The city collector shall collect all taxes due the city, whether the same be general, special, special assessment, occupation, license or otherwise, and shall pay the same over to the city treasurer promptly as collected, taking duplicate receipts therefor, one of which he shall retain, and the other he shall return to the council. He shall, monthly, or oftener if required, make a detailed report to the council of all collec-

tions made by him. He shall be vigilant, and see that no business of any kind is conducted without the license or occupation tax due therefor shall have first been paid. He shall be responsible for all acts of his deputies. He shall be vigilant in collecting all delinquent taxes, and enforce their collections as herein provided, and as may be provided, by ordinance only. He shall give bond in such amount and form as the council may prescribe, with good and sufficient sureties. The council may require a new bond of him, if in their opinion the existing bond is insufficient, and whenever such bond is required he shall perform no official act until such bond shall be given and approved. He shall receive for his services the sum of fifteen hundred dollars per annum. He shall have all the powers and perform all the duties herein provided, and such others as the council may confer and prescribe. He shall within twenty-four hours after receipt of the same deposit with the city treasurer, to the fund which it belongs, all money collected by him, and for any failure to so deposit such money, the said tax collector and the sureties on his bond shall be liable to pay to the city interest on such money until so deposited, at the rate of eight per cent. per annum, and the city council shall have the power to remove such collector from office for any willful failure to promptly deposit any collections as above provided.

#### TREASURER.

SEC. 38. The office of the city treasurer shall, instead of being appointed by the city council, as heretofore, be let by contract to the highest and best bidder, in the discretion of the city council. The city council shall, not less than sixty days prior to the expiration of the term of office of the present city treasurer, and every two years thereafter, advertise for bids for the said office, stating what said bids shall specify and the terms on which such bids shall be received. Any treasurer appointed by contract shall nevertheless be an officer of the city and subject to the same duties as a treasurer otherwise elected. Said treasurer shall give such bond as the city council may require, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same upon an order by the mayor, signed by the auditor and attested by the secretary and the seal of the corporation, except that the payment into the school fund shall be upon the order of the board of education, signed by the auditor and attested by the secretary of said board; provided, that no order shall be paid unless it shows upon its face that the city council or board of education, as the case may be, has ordered its issuance, and for what purpose. He shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting in every month, and at such other times as the council may require. He shall perform such other acts and duties as the council may require, and receive for his services five dollars per annum.

#### ASSESSOR.

SEC. 39. The city assessor shall assess all taxable property in the city in such manner and within such time as the city council may prescribe. He shall make duplicate assessment rolls, and on their completion and

approval by the council he shall deliver one to the city secretary and the other one to the city collector. The assessor is hereby authorized to require property owners to render a correct account of their property under oath or affirmation to be by him administered. He shall have such other powers and perform such other duties as the city council may confer and prescribe by ordinance, and shall receive for his services the sum of fifteen hundred dollars per annum.

#### SUPERINTENDENT OF WATERWORKS AND STREET SUPERINTENDENT.

SEC. 40. The superintendent of waterworks shall have full charge of the city waterworks and property connected therewith, and shall manage and control the same. He shall inspect all parts of said waterworks and see that they are maintained in good condition for use, and are being properly cared for, and that all employes of this department are attending to their respective duties. He shall keep in good repair the pumps, machinery, hydrants and all other waterworks fixtures and property. He shall employ all laborers in said department, and discharge the same, subject to the approval of the waterworks commissioners. He shall perform all such other duties as may be prescribed by the city council by ordinance or resolution, and shall receive for his services the sum of fifteen hundred dollars per annum. There shall be elected by the people at the first general election, to be held under this charter, to wit: on the first Tuesday in April, 1900, a street superintendent, who shall hold his office for two years from and after said date of election and until his successor is elected and qualified; provided, that the present street superintendent shall hold his office until said general election, and shall be subject to the provision of this section in reference to the duties of such office. The street superintendent shall receive for his services such compensation as may be prescribed by the city council, not to exceed fifteen hundred dollars per annum. The street superintendent shall have charge and control of all repairs of the streets and bridges and other public property of the city, and shall have control and supervision of all laborers employed on such work, and shall perform all such other duties as the city council, by ordinance or resolution, may direct. He shall be under the supervisory control of the mayor, and whenever in the opinion of the mayor any street, public alley, bridge or other public property of the city shall be in need of repairs, and such work of repair will not exceed in cost the sum of fifty dollars, the said work shall be done by the street superintendent whenever ordered so to do by the mayor, and in such case the cost of such work, as near as may be, shall be reported to the council by the said street superintendent, and any indebtedness incurred therefor shall be ordered paid by the council, if satisfied of the correctness of such report.

#### CITY AUDITOR.

SEC. 41. The city auditor shall be bookkeeper of the city and keep the necessary books to show all transactions relating to accounts, contracts and indebtedness of the city, its revenue and expenditures of all kinds. He shall, subject to the approval of the city council, establish proper rules for the government of his office, and prescribe the form of books and accounts, and certificates, and receipts to be used in the different offices

of the city. He shall require accounts and settlements to be verified by affidavit whenever he deems proper, and no accounts against the city of Dallas shall be paid without first having been submitted to and approved by the auditor, and all warrants on the city treasurer must be audited by the city auditor. He shall examine, adjust and audit all unsettled accounts, claims and demands against the city, for the payment of which any money may be drawn from the city treasurer, certify the true state of such claims or demands, and report the same to the city council or board of education, as the case may be. He shall examine all principal reports of the different city officers, also examine the official books, accounts and records of every officer of the city who receives or pays out any money of the city, and report the condition of same to the mayor or city council. He shall, at all times, have free access to any of said offices, and all reports, books, stubs, papers, accounts, receipts, permits, estimates and everything necessary to give him full information upon the matters by him being investigated. He shall, at least once a quarter, make out and present to the city council a complete statement of the revenues, funds and resources of the city, and of the expenditures and disbursements since his last report. It shall be his duty to furnish to the city council information on any subject connected with his office, and to suggest plans for the management of the revenues and the liquidation of claims for which the city may be liable. He shall, whenever required, furnish the mayor or city council, or any committee thereof, copies or abstracts of any books, accounts, records, documents or papers of any kind in his office, or any information in relation to anything pertaining to his office, or the revenues of the city, and he shall permit the mayor or any member of the city council or any officer interested, to examine any books, papers, records or documents of any kind in his office. He shall perform such other and further duties as may be required of him by the city council, by ordinance or otherwise, and give such bond as the council may prescribe, and receive for his services the sum of sixteen hundred and twenty dollars per annum, and in addition thereto the further compensation of one hundred and eighty dollars per annum, to be allowed by the board of education for services in keeping the books and in auditing the claims and accounts of such board, which compensation for such last named services shall be charged as an expense of said board of education.

#### HEALTH OFFICER AND SECRETARY OF WATERWORKS.

SEC. 42. The health officer and secretary of the waterworks shall each have such powers and perform such duties as the city council may confer and prescribe, by ordinance or otherwise. The health officer shall receive for his services a sum not to exceed fifteen hundred dollars. The secretary of the waterworks shall receive for his services the sum of twelve hundred dollars per annum.

#### PURCHASING AGENT.

SEC. 42a. The city secretary shall be ex-officio purchasing agent of the said city, and as such purchasing agent shall receive no extra compensation, and shall supervise the purchasing of all supplies for all departments of the city government under such rules and regulations as may be pre-



scribed by the city council. The purchasing agent shall enter into a bond to be prescribed by the city council, for the faithful discharge of his duties as such purchasing agent. The amount of such bond shall not be fixed at less than twenty-five hundred dollars. As near as may be practicable, the city council shall require the purchasing agent to advertise for competitive bids for the furnishing of all supplies as above mentioned. In so far as practicable the council shall require the purchase of supplies for all departments at the same time or times; provided, that the provisions of this section shall not apply to the purchase of such supplies as come under the powers and duties of the board of education in the management of the city schools.

SEC. 43. The city council shall be composed of the mayor and aldermen provided for in this chapter. The mayor shall be president of the council, and in case of a tie on any question he shall cast the deciding vote, but in elections he shall vote as other members of the council. At the first meeting of each new council, or as soon thereafter as practicable, the council shall elect one of the aldermen mayor pro tem., who shall hold his office for one year and receive for his services the sum of one hundred dollars per annum. In case of the failure, inability or refusal of the mayor to act, the mayor pro tem. shall perform the duties. In case of the temporary absence or inability of both the mayor and mayor pro tem. to act as mayor, the city secretary, upon the written request of six or more aldermen, shall call the city council together, and said city council shall elect one of the number to fill the office of mayor during such time. The person so appointed shall possess all the power and perform all the duties required of the mayor during such time.

SEC. 44. A majority of the aldermen shall constitute a quorum for business, but a smaller number may adjourn from day to day, and may compel the attendance of the absent members. At meetings for the imposition of taxes two-thirds of a full board shall be required. Regular meetings of the council shall be at such times as the council may fix by resolution or otherwise, but the mayor on his own motion may, or at the request of seven or more aldermen, shall call special meetings by written notice thereof served upon each member, or left at his place of abode or usual place of business. Such notices shall state specifically the object or purpose for which such meeting is called, and at such meetings no business not stated in the call shall be transacted.

SEC. 45. The city council shall by ordinance adopt such rules and regulations for its government and order of business as its members may deem best. It shall be the judge of the qualifications and election of its members, including the mayor. It shall also be the judge of the election and qualification of all city officers. It may punish members or other persons during its sittings for disorderly conduct by fine. It may, with an affirmative vote of two-thirds of the whole number of aldermen elected and qualified, the yeas and nays being called for and recorded, remove any officer of the city for any conduct or offense which in the opinion of the council, expressed by the two-thirds vote aforesaid, shall render him unfit to hold his office, but no officer shall be removed until he shall have had the opportunity of being heard himself, or by counsel, or by both.

SEC. 46. The meetings of the council shall be public except when by a majority of the members present it may be deemed expedient to deliberate with closed doors upon any special question.

SEC. 47. A record of the council proceedings shall be kept by the city secretary, and each vote taken by the yeas and nays shall be entered therein, and no action of the council shall have any force unless a majority of the members present shall have voted in favor of it; or in case of a disagreement between the council and the board of commissioners on any subject the city council by a two-thirds vote of all aldermen elected, or in case of a veto by the mayor of such measure, by a three-fourths vote of all such aldermen shall have voted in favor of such measure, and unless in all cases of action by the council the same shall have been entered on the minutes or other proper records.

#### GENERAL POWERS OF THE CITY COUNCIL.

SEC. 48. The city council shall have the management and control of the finances and all of the property, real and personal or mixed, belonging to the city, and subject to other provisions of this act, shall have the powers as hereinafter mentioned.

SEC. 49. The city council shall have power to appropriate money and provide for the payment of debts and expenses of the city.

SEC. 50. To provide by ordinance special funds for special purposes provided for under the provisions of this charter, and to make the same disbursable only for said purposes, and to impose proper penalties for enforcing the same. The city council shall annually, as soon after the opening of the fiscal year as practicable, by an ordinance, make all appropriations for the operation of the city government for the said fiscal year, and to that end shall appropriate and set apart in a budget the necessary funds for the management and operation of each and every department of the city, and thereafter it shall not be lawful for the city council to divert any fund so appropriated to any particular department to any other purpose, and no fund appropriated to any such department shall ever be increased except by a two-thirds vote of all the aldermen elected. Any expense incurred in excess of the budget in any department shall be void, and shall not be audited by the auditor nor paid by the said city or any officer thereof.

SEC. 51. To provide by ordinance for the payment of any existing and outstanding indebtedness, and for the payment of any bonds that may from time to time be issued, and shall, for such purposes, have the power to levy, assess and collect a special tax.

SEC. 52. To make regulations to prevent introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within ten miles thereof.

SEC. 53. To provide, or cause to be provided, the city with water, to make, regulate and establish public wells, pumps, cisterns, hydrants, reservoirs and stand pipes in the streets or elsewhere in said city, or beyond the limits thereof, for the convenience of the inhabitants and the extinguishment of fire, and to prevent the unnecessary waste of water, and to condemn all right of way necessary for any of said purposes.

SEC. 54. The city council shall have exclusive control and power over the streets, alleys, crossings, highways and public grounds in the city, and to abate and remove all encroachments or obstructions thereon: to open, alter, abolish, widen, extend, establish, regulate, grade, pave, clean

or otherwise improve said streets and to protect the same from all encroachments and injury of any kind whatsoever.

SEC. 55. To establish, erect, construct and keep in repair bridges, culverts, conduits, sewers and sidewalks, and to regulate the construction and use of same, and to abate or punish any obstruction or encroachment thereon. The cost of constructing sidewalks and keeping the same in repair, together with the cost of collection, shall be entirely defrayed by the property owners in such manner as the city council may provide, and shall be a perpetual lien on the property in question until paid. The cost of sewers shall be paid as hereinafter provided.

SEC. 56. To prevent the encumbering of streets, alleys, sidewalks and public grounds with carriages, wagons, carts, hacks, buggies or other vehicles, with boxes, timbers, firewood, posts, awnings, signs, or anything whatever, in any manner whatever; to compel all persons to keep all weeds, filth, rubbish, trash of every kind from their premises and from the sidewalks, streets and gutters in front of the premises occupied by them, and to pass all ordinances necessary to enforce such things. To provide for, establish and maintain a free public library within said city, and to co-operate with any person, firm or corporation under such terms as the council may prescribe for the establishment and maintenance of such free public library, and to that end the city council shall have power to annually appropriate out of the general revenues of the city a fund not to exceed two thousand dollars per annum.

SEC. 57. To permit, prevent and regulate the laying of gas and water mains and pipes therein. To compel any person using the streets, alleys or sidewalks for the purpose of laying gas or water mains and pipes, sewer pipes, or for building or other purposes, to repair, clean up and restore said streets, sidewalks and alleys so used. The city council shall have sole authority to grant to any person, firm or corporation the right to use the streets, alleys, and public grounds of the city for the laying of gas mains and pipes therein, and for distributing gas through said mains and pipes, and may prescribe the terms and conditions upon which such right may be exercised. And the city council shall also have the sole authority to grant to any person, firm or corporation the right to use the streets, alleys and public grounds for any other purpose, involving the laying of pipes, wires, tunnels or subways thereon, or thereunder, for the purpose of conducting any private or corporate enterprise.

SEC. 58. To prevent any street or sidewalk from being dug up or excavations to be made therein, unless the same be done with the permission of the city council and under the direction of the city engineer, and to prescribe and exact fees for such privilege, and deposits as guarantees of proper restoration of such street or sidewalks.

SEC. 59. To regulate, establish and change the grade of all sidewalks, streets and premises, and to require and compel the filling up and raising the same.

SEC. 60. To divide and re-divide the city into wards and aldermanic districts, and alter the boundaries thereof for the purpose of equalizing the population of the several wards and aldermanic districts.

SEC. 61. To provide for the lighting of streets, public grounds and public buildings, and furnishing the citizens of said city with light, and to erect, own and operate all necessary machinery, fixtures, appliances and appurtenances of every nature whatever, necessary for said purposes, and

to demand and receive compensation for lights furnished for private purposes, and to provide for the location and regulation of such lights. The city council shall have power to condemn the property of any person, firm or corporation for the purpose of operating and maintaining gas and electric light and power works, and for distributing gas and electric light power throughout the city or any portion thereof.

SEC. 62. To provide for the erection of market houses, establish markets and market places, and provide for the government and regulation thereof; to provide all needful buildings for the use of the city; to provide for enclosing, improving, ornamenting and regulating all public grounds belonging to the city; to provide hospitals and regulate and maintain the same, and to permit or prohibit private hospitals; to establish an active system of inspection over premises and the conduct of persons; to establish a reformatory and industrial school for refractory boys and girls under such rules and regulations as the council may prescribe.

SEC. 63. To establish and regulate public grounds, and to regulate, restrain and prohibit the running at large of horses, cattle, sheep, swine, goats, geese and other animals in the city, and to authorize the distraining, impounding and sale of the same for the costs of the proceedings and penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for violation of any ordinance, whether they reside in or out of the city, and that all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto, if provisions of the ordinances have been complied with, whether the owner of such animal resides in or out of the city.

SEC. 64. To establish and maintain a city police, prescribe the duties and powers of policemen, and regulate their conduct. That the powers granted by this section shall be inoperative in the event that there shall be a board of commissioners of the said city exercising the powers granted by this section, in which case the said powers shall be subordinated to the powers granted to and exercised by the said commissioners.

SEC. 65. To regulate, restrain, locate, abate or prohibit slaughter houses, glue factories, bone boilers, hide houses or establishments for burning hides, soap factories, places for rendering lard, tallow, offal and other substances that can be rendered, and all other establishments where any nauseating, dangerous, offensive or unwholesome business may be carried on.

SEC. 66. To regulate the storage and transportation of all illuminating oils, high explosives, gunpowder, tar, pitch, and all other inflammable oils and combustibles of every kind.

SEC. 67. To regulate parapet walks; to prevent dangerous construction and condition of chimneys, fire places, hearths, stoves and stovepipes, boilers and other heating apparatus, and cause the same to be removed and made safe.

SEC. 68. To prevent the deposit of ashes in unsafe places and cause the removal from one's premises of all trash, old papers, straw, goods boxes, barrels and anything else dangerous on account of fire, and of all filth, slops and animal or vegetable matter and everything else offensive and dangerous to health and comfort, and to cause all buildings and enclosures in a dangerous state to be put in a safe condition.

SEC. 69. To regulate or prevent the carrying on of manufactories and

works dangerous in causing fires and to regulate the location of cotton presses, sheds and other buildings dangerous on account of fires.

SEC. 70. To regulate the size, number and manner of construction of doors and stairways of theatres, tenement houses, audience rooms, public halls and all buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exit in case of fires.

SEC. 71. To require the construction of suitable fire escapes on or in hotels, lodging houses, factories and other buildings, whether now built or hereafter to be built.

SEC. 72. Subject to the powers of the commissioners and provisions of this act in reference to the board of commissioners hereinafter provided for to establish and maintain a fire department, fix the number and compensation of all firemen, employes and members of the department, prescribe their respective duties, regulate their appointment and dismissal and fix penalties for the violation of all regulations pertaining thereto; to procure steam fire engines and other apparatus for extinguishing fires, provide for the care, management and maintenance of same, and do everything whatever necessary for the regulation and maintenance of such department.

SEC. 73. To regulate, prevent and prohibit the use of fireworks and fire-arms.

SEC. 74. To compel the owners or occupants of houses or other buildings to have scuttles in their roofs, and stairs or ladders leading to the same.

SEC. 75. To establish fire limits and prohibit the erection, building, placing, removing or repairing of wooden buildings within said limits; also to prohibit the removal of any wooden building from one place to another within said limits, and may require all buildings within said limits to be constructed with fire-proof material; also may prohibit the repairing of wooden buildings within said limits when the same shall have been damaged thirty-three and one-third per cent. of their value, and may provide the mode of ascertaining such damage; also may declare all dilapidated wooden buildings which they deem dangerous on account of fire nuisances, and require the same to be removed in such manner as the council may direct.

SEC. 76. To authorize one or more officers, agents or employes of the city to enter in and upon all buildings and premises, to examine and discover whether the same are dangerous on account of fire, or in any unclean state, and cause all defects to be remedied, and filth and trash to be removed, and generally the council shall have power to establish such regulations for the prevention and extinguishment of fires as it may deem expedient.

SEC. 77. The city council shall have the exclusive right to erect, own, maintain and operate waterworks for the use of the city and its inhabitants, and to regulate the same; to prescribe rates for water furnished to said inhabitants, and make such rules and regulations as the said council may deem expedient, also shall have power to acquire by purchase or donation suitable grounds on which to erect such works, and necessary right of way, and do anything whatsoever necessary to operate and maintain said works, and to compel the owners of all property and the agents of such owners to pay all charges for water furnished on such property.

SEC. 78. To provide workhouses for vagabonds and disorderly persons who are unable or refuse to pay fines, or who have been sentenced to fine and imprisonment, or to compel them to work on the streets, alleys and any public works, and make all necessary regulations concerning the same, and to provide, keep and regulate a city prison.

SEC. 79. To define what shall be nuisances in the city, and within three thousand feet of the corporation lines, and to abate them by summary proceedings, and to punish the authors thereof by penalties, fines and imprisonment.

SEC. 80. To provide for the removal of all filth, carcasses of dead animals and other unhealthful substances from the city, and to compel the owners and occupants of all premises to keep them in a cleanly condition; to appoint one or more city scavengers, and require all persons to employ him for scavenger service; to fix the compensation of such scavenger, and compel all persons whom he serves to pay him such compensation as may be fixed by the city council.

SEC. 81. To provide for and regulate the inspection, weight and quality of everything to eat and drink offered for sale in said city. To provide for the inspection and weighing of hay and coal, and the measurement of firewood and other fuel to be sold in the city.

SEC. 82. To provide for taking the enumeration of the inhabitants of the city.

SEC. 83. To prescribe fines, forfeitures and penalties for breach of any ordinance, enforcing the powers granted in this charter, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

SEC. 84. The city council shall have full power and authority by ordinance to regulate, control and prohibit the carrying of fire-arms and other weapons within the city limits, and is hereby empowered to provide and inflict the same punishment therefor as is now or hereafter may be provided by the State law against persons unlawfully carrying weapons.

SEC. 85. To tax, regulate, restrain or prohibit the running at large of dogs, and authorize their destruction when at large contrary to ordinances, and to impose penalties on the owners, harborers or keepers thereof for violation of such ordinances.

SEC. 86. To provide for the suppression and prevention of any riot, rout, noise, affray, disturbance or disorderly assembly in any public or private place within the city.

SEC. 87. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish abuses and cruelty to animals, birds and fowls of every kind; to compel persons to fasten their horses or animals attached to vehicles or otherwise while standing or remaining in the streets or other public places.

SEC. 88. To prohibit and restrain the rolling of hoops, the flying of kites, firing of firecrackers and fireworks of every kind, the riding of bicycles, tricycles or any other amusement having a tendency to annoy persons passing in the streets or on the sidewalks; to restrain and prohibit the ringing of bells, the blowing of horns and bugles, the crying of goods and all other noises, practices and performances tending to collect persons on the streets or sidewalks by auctioneers and others for the purpose of business and otherwise.

SEC. 89. To restrain, regulate and punish vagrants, street beggars and prostitutes.

SEC. 90. To do all acts and make all regulations which may be necessary and proper for the promotion of health or the suppression of disease. To compel the owners or occupants of any unwholesome house or place to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

SEC. 91. To regulate the burying of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons and others for any default in the premises.

SEC. 92. To prevent all boxing matches, sparring exhibitions, cock fighting and dog fighting, and punish all persons thus offending.

SEC. 93. To prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, aggravated assaults and batteries, fighting, quarreling, using abusive and insulting language, misdemeanors and all disorderly conduct of every kind, and to punish all persons thus offending with the same penalties as may be inflicted therefor by the State laws. To regulate or prevent drumming on the streets or sidewalks, railway platforms or other public places.

SEC. 94. To control and regulate the location and use of steam engines in the city, and prescribe the qualifications of persons operating and running same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

SEC. 95. To regulate, license or prohibit butchers and prevent their slaughtering animals in the city limits and revoke their license for misconduct in trade, and to regulate, license and restrain the sale of fresh meat, fruits and vegetables, and the slaughter of animals, and to license and regulate or prohibit slaughter houses within the city limits.

SEC. 96. To compel the owner or occupant of any grocery, soap, tallow or chandler establishments, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery or other building, or sewer, privy, hide house or other unwholesome or nauseous place or house to cleanse, remove, fill up, repair or abate the same as may be necessary for the health, comfort and convenience of the inhabitants.

SEC. 97. To require the owners of private drains, sinks and privies to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, as they may be ordered by resolution or ordinance, and impose penalties upon persons failing to do the same. If there be no person in the city upon whom such order can be served, the city can have such work done, and costs of the same shall be a lien on the property and taxed up against it, collected in such manner as the city council may determine.

SEC. 98. To prevent any person from bringing, depositing or having within the city limits the carcass of any dead animal or other unwholesome substance or matter, or filth of any kind, and to require prompt removal of the same, and impose all necessary penalties for the enforcement of such powers.

SEC. 99. To provide for sprinkling the streets, avenues and public grounds.

SEC. 100. To license, tax and regulate merchants, commission merchants, hotel and inn keepers, drinking houses or saloons, bar rooms, beer

saloons and all places or establishments where intoxicating or fermented liquors are sold, brokers, money brokers, real estate agents, insurance agents, insurance brokers, auctioneers and all other trades, professions, occupations and callings of every kind. To license and regulate any itinerant or transient vendor of clothing or wearing apparel or article of bedding or merchandise of any description whatever. To license and regulate ticket brokers or scalpers or dealers in railway tickets, dealers in bankrupt or fire stocks or damaged stocks of any kind, second-hand dealers, pawnbrokers, junk shops and dealers in junks, and all other business or occupations whatever, which, in the opinion of the city council, shall be the proper subject of police regulation. The city council shall have power to require the person or persons pursuing any business or occupation mentioned in this section to give all bonds in such amount and under such conditions as the council may prescribe; to require the keeping of books showing the transactions of any such business or occupation and requiring the persons conducting the said business or occupation to submit the said books and their stocks to the inspection of the police at such times as may be prescribed by ordinance.

SEC. 101. To license, tax and regulate, or prevent or suppress paupers, peddlers, pawnbrokers and keepers of theatrical or other exhibitions, shows and amusements. To license, tax and regulate or prohibit theatres, circuses, the exhibition of common showmen, and of shows of any kind, and the exhibition of natural or artificial curiosities, menageries and musical exhibitions and performances, and to regulate and license or prohibit street parades, pool tables, striking machines, lung testers, doll racks, cane racks and exhibitions, devices and things for which a fee is charged.

SEC. 102. To license, tax and regulate hackmen, draymen, omnibus drivers, baggage wagon drivers, and drivers of vehicles of every kind, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered; and to regulate stands for vehicles, and regulate, license and restrain runners for railroads, vehicles of any kind, hotels, public houses of any kind, or other business of any kind.

SEC. 103. To license, regulate, locate or prohibit billiard tables, pin alleys and bowling alleys, to regulate, locate and prohibit disorderly houses and houses of prostitution and prostitutes, and to regulate, control and prohibit gambling houses and games of every kind, lotteries and all fraudulent devices and practices.

SEC. 104. To restrain, regulate and prohibit the selling or giving away indirectly, to evade a tax or penalty, of intoxicating or malt liquors, or anything by any person within the city, except by persons duly licensed; to forbid and punish the selling, bartering or giving away of any intoxicating or malt liquors to any minor, apprentice or habitual drunkard.

SEC. 105. To regulate the inspection and slaughter of animals and the sale of fresh meats within the city, and the inspection and the sale of beef, pork, flour, meal, fish, salt and other provisions, whiskey and other liquors, and all other articles of food or drink whatsoever to be consumed within the city, and to appoint inspectors, weighers and gaugers and prescribe their duties and powers and to regulate their fees. Said council shall have the power to regulate the amount of charges to the public and inhab-



itants of the city and the kind of services to be furnished by any telephone, light and power or gas company doing business within and occupying the streets, alleys and public grounds of said city, by virtue of any franchise therefor granted by said city of Dallas, and to prescribe pains and penalties for any neglect or refusal upon the part of any such telephone, electric light and power or gas company to furnish services to the said public and said inhabitants of the kind and at the prices prescribed by the city council by ordinances, and the penalty so prescribed may, in the discretion of the city council, be a forfeiture of any franchise heretofore or hereafter granted by said council to any such telephone company, electric light and power company or gas company; provided, that the exercise of this power of regulation by the city council in reference to such telephone, electric light and power and gas companies shall be subject to the approval of the board of commissioners herein elsewhere provided for, if there be such board of commissioners, and in case of disagreement between the council and the board of commissioners, the decision of such disagreement shall be governed by the provisions of this act regulating the powers and duties of said board of commissioners; and further provided, that the power of regulation herein vested in the council and said board shall not be exercised so as to interfere with or prevent legitimate competition between companies and enterprises engaged in the several businesses herein contemplated; and further provided, that no such forfeiture as is above contemplated shall be had until thirty days notice from the city council to said companies or corporations to rectify and remedy any such neglect, or to recede from any such refusal and to comply with such regulations and rates as may be prescribed. The provisions of this act, vesting in the city council and board of commissioners the power to regulate and control persons, firms and corporations holding municipal franchises, and the rates, charges, service and duties of the same, shall remain in full force and effect, unless the State of Texas, by general law, shall fully and adequately assume and exercise the same power and to the same extent as is herein contemplated, in which event the general State laws shall supersede the acts and regulations of the city on the same subject, otherwise all State laws shall be deemed merely cumulative of the provisions of this act.

SEC. 106. To open, close and regulate saloons and all places where intoxicating or fermenting liquors are sold on Sunday, and to prescribe what hours on Sunday such sales can be made, and what hours such places must be closed and sales prohibited; also all places of amusement and business.

SEC. 107. To prevent the sale, bartering and giving away of any intoxicating liquors in any house or place where any theatrical or dramatic representations are given, and prevent the same from being brought in or to such places under any pretext whatever. All rooms, buildings or apartments of any kind inside of the room where such representations are given, or being a part of it, or adjoining or connected therewith by any door or doors, dumb waiter or opening of any kind, shall be held to be within the places inhibited by this section.

SEC. 108. To regulate and prohibit the locations of saloons in resident portions of the city, and to establish saloon limits and prohibit the location of saloons outside of said prescribed limits.

SEC. 109. To make all needful and proper regulations concerning

bakers, butchers, hotel keepers, theatres and other public houses; also all draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons and other vehicles, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of trains, and to make and regulate stands for vehicles at said depots and other public places.

SEC. 110. To regulate or prohibit the driving of cattle and other stock through the streets of the city.

SEC. 111. To inspect the construction of all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles in the city, and cause the same to be changed, whether telegraph, telephone, electric light or otherwise.

SEC. 112. To regulate the speed of engines and locomotives within the city.

SEC. 113. To direct and control the laying and construction of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in repair. To regulate the use of locomotive engines, to direct and control the location of cable and other street and railroad tracks, and all steam railroad tracks, and to require railway companies of all kinds to construct at their own expense such bridges, turnouts, culverts, crossings and other things, as the city council may deem necessary. To regulate the speed of all railroad trains within the city limits, and their stops at street crossings, and to require said companies to keep the streets through which they run in repair, and to light the same whenever deemed necessary, and to prescribe the kind of light to be used, and to levy special taxes or assessments upon them for street improvement the same as against property owners.

SEC. 114. To prevent and regulate the running of horse railway cars, or cars propelled by dummy engines or other power, the laying down tracks for same, the transportation of passengers thereon, the form of rail to be used, and everything used, and everything else concerning street railways, and to levy special taxes or assessments against such roads for street improvement, the same as against property owners.

SEC. 115. The city shall have the power to acquire and own within or without the city limits, either by purchase, donation, bequest or otherwise, all property it may need for any municipal purpose whatever, and all necessary right of ways thereto, and shall also have the power to sell and dispose of the same.

SEC. 116. The city council shall have the sole authority to grant upon such terms as it may see fit the right to any person, corporation or company to make and construct street railways in any street or highway in said city, receive compensation therefor, and to regulate and control the use thereof; provided, the owners of a majority of front feet, exclusive of street intersections, on each street composing the line of road are willing. The city council shall have the right to regulate the charges of any street railway company for fares and transportation, and to regulate and require the transfers of passengers from one line to another of any street railway company, and to prescribe the kind, character and times of service to be furnished the public by such company. Any failure of any street railway company to give proper and satisfactory service to the public, or to keep and maintain its tracks and road bed in the streets over

which the street railway may extend between the rails and tracks and two feet on each side of the rails in good repair, shall constitute a ground of forfeiture of any franchise granted said street railway company. The provisions of this section shall apply to franchises heretofore granted as well as to franchises hereafter granted, but no such forfeiture shall be had until thirty days notice from the city council to said street railway company to repair any such defect as hereinbefore mentioned, and a failure of said company to repair the said defect within such time; provided further, that the provisions of this section in regard to keeping and maintaining its tracks and roadbeds shall not be deemed to apply to those portions of such tracks and roadbeds which traverse unused or ungraded streets, or which lie through remote suburban districts, but the provisions of this section shall become operative whenever such streets are placed at grade and improved under the direction of the city.

SEC. 117. No railroad company, street, steam or other kind, no telephone, telegraph, electric light company, gas company, or company of any kind, no person or corporation, shall ever occupy or use the streets or highways of the city of Dallas, for any purpose whatever, without first obtaining the consent of the city council formally entered upon and evidenced by the minutes and records, and no mere acquiescence or other act or omission of the city council or city officers shall be held to confer by estoppel or indirectly any such rights as mentioned herein, and the provisions of this section shall apply to such rights heretofore claimed by any person, firm or corporation, as well as to any hereafter claimed, and any person, firm or corporation to whom any such rights or franchises as mentioned above has heretofore been granted or shall hereafter be granted, shall pay for such privilege reasonable and just compensation, which shall be regulated and charged from time to time by the city council as in their opinion may be reasonable and just; provided, that no franchise mentioned in this section shall ever be granted for a longer period than twenty years.

SEC. 118. The city council shall have power to levy and collect the ordinary municipal taxes upon the roadbed, rights, franchises and all other property of street railroads of every kind; whether their motive power be steam, horse, mule, electricity or otherwise; also to require them to pay their pro rata share of paving and improving the space between the rails and two feet on each side of the rails and between tracks where there are more than one track of such road on any street improved, occupied by them, including street intersections; and shall have power to levy and collect special assessments against such roads and their owners, for such purpose, and such assessments shall be a lien on such roads and all their rights and franchises, and shall be collected as such taxes are collected from other property owners on the streets so improved. All street railway companies shall be liable to the city of Dallas for the cost of improving any street of the said city hereafter improved between the rails and tracks of said street railway company and two feet on the outside of their rails, and where there is a double track or more, also the space between the said tracks, and in all such cases the engineer of the city, after the work has been completed, shall make an estimate of cost of any such improvement chargeable against the said street railway company, and thereupon the city council shall cause the street railway company to show cause, if any, why the said estimate should not be adopted, and at the

next regular meeting of the council, or as soon thereafter as practicable, the council shall adopt or correct the said report, and shall, by ordinance or resolution, determine the amount of such improvement chargeable against the said street railway, which action of the council shall be final, and the said charge shall then become a lien special and paramount against the property, roadbed and franchises of the said street railway company, and the collection of the same may be enforced by the sale by the tax collector, or by suit, as in cases of the collection of special assessments. Any person, firm or company feeling aggrieved by the amount of such charge, shall have the right to institute suit in the proper court having jurisdiction, to recover any excess paid, on condition that they shall first pay the full amount of such charges to the city under protest and enter suit for such excess within thirty days after the same shall be due and delinquent. Every street railway company shall keep in repair the space aforesaid between the rails, two feet on each side of the rails, and between the tracks of each street, improved or unimproved, occupied by the street railway owned or operated by any company, firm, person or corporation, and such company, firm, person or corporation shall be under a duty to the public to keep the same in repair, and shall be solely liable for all damages occasioned by any neglect of such duty, which may be enforced by such regulations as may be prescribed by the city council, but the city shall never be liable for any damages occasioned by defects in the said portions of any such streets as aforesaid.

SEC. 119. The city council shall have power to provide by ordinance for funding the whole or any part of the existing debts of the city, or any future debt, by canceling the evidences thereof, and assuring to the holders or creditors notes or bonds in lieu thereof, with coupons attached, bearing interest not less than the rate of the original bonds.

SEC. 120. The council shall have power to appropriate so much of the general revenue of the city, for the purpose of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the streets, constructing sewers, erecting and maintaining public buildings of every kind, waterworks, and for the purpose of erecting, maintaining and operating an electric light plant, etc., as the council may from time to time deem expedient; and in furtherance of any and all these objects, the city shall have the right and power to borrow money upon the credit of the city, and to issue coupon bonds of the city therefor, in such sum or sums as may be deemed expedient, to bear interest not to exceed six per cent., payable semi-annually, at such place or places as may be designated by the city ordinance; provided, that the aggregate amount of said bonds shall at no time exceed the sum of two million dollars, outstanding; provided, that nothing in this section shall prohibit the issuance of bonds necessary to construct an electric light plant not to exceed fifty thousand dollars. All works of public improvement of any nature whatever, the cost of which shall exceed five hundred dollars, shall be let to the lowest responsible bidder, after advertisement for bids, under such rules and regulations as the council may prescribe. The council, in its discretion, shall determine what bid constitutes the lowest responsible bid in the meaning of this section.

SEC. 121. All bonds shall specify for what purpose they are issued, and shall not be invalid if sold for less than their par value, and when any bonds are issued by the city a fund shall be provided to pay the inter-

est and create a sinking fund to redeem said bonds, which fund shall not be diverted or drawn upon for any other purpose, and the city treasurer shall honor no drafts on said funds except to pay the interest upon or redeem the bonds for which it was provided.

SEC. 122. Said bonds shall be signed by the mayor, countersigned by the city secretary and shall be payable at such places and such times as may be fixed by ordinance of the city council, not more than fifty years.

SEC. 123. It shall be the duty of the mayor when such bonds are issued, to forward the same to the Comptroller of the State, whose duty it shall be to register them in a book kept for that purpose, and to endorse on each bond registered his certificate of registration, and at the mayor's request certify the amount of bonds so registered in his office up to date.

SEC. 124. It shall be the duty of the mayor at the time of forwarding said bonds for registration, to furnish the Comptroller with a statement of all taxable property, real and personal, in the city; also with a statement of the amount of tax levied for the payment of interest and to create a sinking fund. It is hereby made the duty of the Comptroller to see that a tax is levied and collected by the city sufficient to pay the interest semi-annually on all bonds and create a sinking fund sufficient to pay said bonds at maturity, and see that said sinking fund is annually invested in good interest-bearing securities or applied to the redemption of the bonds for which it was set aside.

#### REVENUE.

SEC. 125. The city shall have power, and is hereby authorized to annually levy and collect taxes not exceeding one and one-half per centum of the assessed value of all real and personal property in the city not exempt from taxation by the Constitution and laws of the State. Provided, that the city council shall have the power to levy and collect an additional one per cent. on the assessed value of all taxable property, real and personal, in said city, not exempt as aforesaid, if two-thirds of those authorized to vote on the assumption of debt by Section 3, Article 6, of the State Constitution shall have first voted in favor of such levy at an election duly ordered for such purpose, the whole number of votes to be determined by the number voting at this election. The city council shall have the right to annually levy and collect a poll tax not exceeding one dollar for every year upon all male inhabitants over the age of twenty-one and under sixty, residents of the city at the time of the assessment.

SEC. 126. That in accordance with Section 10, Article 11, of the State Constitution, the council may levy a special tax for one or more years for the purchase of ground, erection of buildings and the support and maintenance of a seminary, academy or high school, in connection with the public schools of the city. May also levy a special tax in accordance with the State law, for the purpose of erecting additional public school houses or repairing those already built, or for the purchase of grounds therefor. The funds so raised shall be appropriated exclusively for the purpose named, and shall not be diverted therefrom. The aggregate tax levied for either or all of said purposes in any one year, shall never exceed one-fourth of one per cent. ad valorem on the taxable value of all property in the city. No such tax shall be levied until the question shall have been submitted to a vote of the tax-payers at a special or general election of

those entitled to vote thereon under the Constitution of the State. Such election shall be ordered by resolution of council, as in other elections.

SEC. 127. The city council shall have power to levy and annually collect taxes, known as occupation taxes, except in cases where the laws of the State now in force prohibit the levy of occupation taxes by cities and counties upon professions, callings and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons and all other vehicles used in the city for public use. That each and every person or firm, except where the levy of such occupation tax is prohibited by the General Laws of the State, or upon which the State levies no occupation tax, engaged in the following professions, callings and business among others, shall be liable to pay such tax; but this enumeration shall not be considered to deprive the city council of the right and power to levy and collect other occupation taxes from other persons under the general authority herein granted, and upon which an occupation tax is levied by General Laws of the State: Every person or firm engaged in selling goods, wares and merchandise, liquors in quantities less than a quart, or in keeping any grog shop, tippling house, bar-room, drinking saloon, or any place where spirituous, vinous or malt liquors, wine or beer are sold in quantities less than a quart; every person or firm keeping a billiard table, ball alley, nine or ten pin alley, or any similar game, or keeping a tavern, hotel or boarding house, restaurant, lunch stand, or place of any kind where refreshments are sold; every person or firm keeping a livery stable, sale stable, feed stable or wagon yard; every person or firm selling goods, wares or merchandise at public auction, or pursuing the occupation of real estate agent, merchandise or cotton broker, commission merchant or broker of any kind, or hawker or peddler of any goods whatever; every person or firm keeping a storage or warehouse, or intelligence office, or brewery or beer shop, distillery or fruit stand, or engaged in compressing cotton; every insurance agent, every insurance company shall pay said tax, and every agent representing any such company, who has failed to pay said tax, shall be subject to a fine; every telegraph, telephone, electric light, gas or other such company; every person or firm keeping a lumber, wood or coal yard, or any place for the sale of such articles, or building material of any kind; and all other persons or firms engaged in any profession, occupation, business, avocation or calling, subject to occupation tax by law of the State, shall pay on each; and no license tax shall extend to more than one establishment or include more than one avocation, occupation, business or calling. That the power herein granted to levy and collect occupation taxes shall not be deemed to prohibit the imposing and collection of license fees on any business, calling or occupation upon which the city council is authorized to impose a license by any provisions of this charter.

SEC. 128. To authorize the proper officer of the city to grant and issue license and to direct the manner of issuing and registering the same and fix the fees and charges thereof. No license shall issue for a longer period than one year, and shall not be assignable, except by permission of the city council.

SEC. 129. No property of any kind—church, school, public or otherwise—in the city of Dallas, shall be exempt from any of the special taxes and assessments authorized by this charter for local improvements.

SEC. 130. The fiscal year of the city of Dallas shall begin and end at

12 o'clock noon on the first day of May in each year. The council at the second regular meeting in June of each year, or as soon thereafter as practicable, shall levy the annual tax for such year, but special taxes or assessments allowed by this charter may be levied, assessed and collected at such times as the council in each case may provide.

SEC. 131. All persons or corporations owning or holding personal property or real estate in the city of Dallas on the first day of January of each year, shall be liable for all municipal taxes levied thereon for the fiscal year beginning the next following April.

SEC. 132. The personal property of all persons owing any taxes to the city of Dallas is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

SEC. 133. The city council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under this charter and are hereby authorized, and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing and collecting of any taxes provided for in this charter. That unless otherwise provided by ordinance all property in such city liable to taxation shall be assessed in accordance with the provisions of the General Laws of the State in so far as they are applicable.

SEC. 134. The city council shall have power to assess the property and shares of corporations, companies, banks and such other institutions as the same are now or may be assessed by the State law in such cases made and provided, and shall have full power to enforce the collection of such taxes in such manner as by said council may be deemed necessary.

SEC. 135. The city council shall have power by ordinance to regulate the manner and mode of making out tax lists, inventories and appraisements of property therein, and to prescribe the oath that shall be administered to each person on rendition of his property, and prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls and fix the duties and define the powers of city assessor, and adopt such measures as the council may deem advisable to secure the assessment of all property within the city limits, and collect the tax thereupon, and may provide a fine for all persons neglecting, failing or refusing to render their property for taxation.

SEC. 136. The city council, in its discretion, may, in any year, divide the city into such number of assessment districts as it shall see proper, and may appoint for each assessment district a district assessor, who shall hold his office from month to month not exceeding three months, at the pleasure of the city council. Each district assessor shall have the powers in this charter provided for the city assessor, except that he shall be under the direction and control of the city assessor. That when in any year district assessors are appointed as aforesaid, the district assessors together with the city assessor shall constitute the board of assessors, a majority of whom shall constitute a quorum for the transaction of business, and the said city assessor be president of the said board. That in all such cases the district assessor shall have resided within the district for which he is appointed not less than four years, and shall be a freeholder in the said city, and it shall be his duty to assess all the property, real and per-

sonal, situated within his assessment district, and shall report the same to the board of assessors. If the district assessor and the owner of the property shall agree upon the assessment such assessment shall not be raised by the board of assessors unless upon a notice to the owner and a time appointed in which he may appear before the board to show cause, if any, why such raise should not be made. Whenever a board of assessors is appointed it shall be the duty of such board to examine all assessment lists and the said board shall have power to change any assessment reported by any district assessor after a notice to the owner and a time appointed in which he may appear before the board to show cause, if any, why such raise should not be made. In case the district assessor or the city assessor and any property owner cannot agree upon the assessment, it shall be the duty of the board of assessors to assess the property in question, and it shall be the duty of every property owner, after due notice as above provided, in this section, unless he has agreed with the assessor, or the board of assessors, to take notice of any action of the assessor or board of assessors without further notice, and to appeal therefrom to the board of appeals if he feels aggrieved. The city assessor shall have power to assess any property situated within the city of Dallas, but the same shall be subject to revision and correction by the board of assessors the same as if assessment had been made by a district assessor. It shall be the duty of each assessor to ascertain as near as may be the name of the owner of the property assessed together with the value and description thereof. If in any year there shall be no board of assessors, the provisions of this charter with reference to the city assessor shall apply to the city assessor alone. Otherwise, it shall apply to the district assessors as well. The city assessor and each district assessor shall have power to administer oaths to property owners rendering their property for assessment, and the city council shall have power by ordinance to punish any person neglecting, failing or refusing to render his property for taxation by proper pains and penalties, and all ordinances of the city now in force concerning any such subject shall be and continue in force and shall be applicable to assessments made by district assessors as well as to assessments made by the city assessor. Every person, partnership, corporation, or any company owning or controlling property within the limits of the city on or before the first day of April, after published notice, shall render to the city assessor a full and complete inventory of the taxable property possessed or controlled by him, her or them, within said limits on the first day of January last, verified, as required by ordinance, and any person failing or refusing to comply with the provisions of this section shall be liable to such fine as may be imposed by ordinance, and the city council shall by ordinance define the duties of tax-payers, and make all necessary rules and regulations to secure the rendition of property and the collection of taxes due thereon.

SEC. 137. The city assessor shall, at least ten days before the first day of January of each year, give public notice by hand bills circulated through the city and by advertisement in some paper, that all persons owning or controlling, as agent or otherwise, any personal property or real estate subject to municipal taxation, are required to render on or before the first day of April of each year. All merchants doing business in the city are required within the same time, to furnish the assessor a true statement, verified by affidavit, of all goods, wares and merchandise



owned or kept on hand by such merchant on the first day of January. Any merchant failing to comply with this requirement shall be liable to such fine as may be imposed by ordinance.

SEC. 138. If the assessor shall discover any real or personal property which was subject to taxation for any previous year, and which from any cause has escaped taxation for that year, he shall assess the same in a supplement to his next assessment roll at the same rate under which such property should have been assessed for such year, stating the year, and the taxes thereon shall be collected in the same manner as other assessments; provided, that such supplement roll shall be made at any time and reported to the city council for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed in such supplement rolls for years previous to the approval of such rolls, shall be due at once upon the approval of such rolls by the city council, and such taxes may bear interest at the rate of six per cent. per annum from the date on which the same would have been delinquent if levied and assessed, at the time other taxes for such previous years were levied and assessed, and if the same shall not be paid by the expiration of thirty days after the date of such approval, the city collector shall proceed to collect the same by the advertisement and sale of such property as soon as practicable; such advertisement and sale to be made in the same manner and for the same time as in cases of the sale of such property for other city ad valorem taxes, as prescribed by the city charter; provided, that a misnomer of, or failure to name the owner in the assessment roll shall not affect the validity of the assessment of any taxes; and, provided further, that when such taxes have not been attempted to be assessed for such previous year, such taxes shall bear interest only from the date of the approval of the supplement rolls. The city assessor may in any year re-assess property which, because of irregularity in the assessment of any previous year, may have been improperly assessed, such re-assessment shall be at the value at which it should have been assessed in any such year, and property owners of such property shall take notice of such re-assessment, if made prior to the first of April in any year, but if made after such date, notice shall be given by the assessor as in case of the raising of an assessment. Any property owner whose property has been re-assessed may appeal to the board of appeals as in case of an original assessment.

SEC. 139. The assessor shall assess all property which for any cause has not been rendered, placing such valuation thereon as he may deem just. If the owners of such property are unknown, such assessment shall be made in the name of "Unknown."

SEC. 140. No irregularity in the time or manner of making or returning the city assessment rolls or the approval of such rolls shall invalidate any assessment.

SEC. 141. Whenever any property owner is dissatisfied with the action of the assessor or board of assessors as to the value of property, it shall be left to a board of appeals to decide the value, and such decision shall be final. Said board shall be composed of the city assessor, who shall be president thereof, and two disinterested freeholders to be elected at a general election of the qualified voters of said city. The first general election for said freeholders under this charter may be had at any time when ordered by the city council, or when this charter takes effect, the city council need order no election, but may instead order that one member

appointed by the mayor and one by the council, and the persons so elected or appointed shall hold their office until the first general election under this charter and until their successors are elected and qualified, at which general election and every two years thereafter there shall be elected by the qualified voters of the city two freeholders as members of said board of appeals, who shall hold their offices for two years and until their successors are elected and qualified. That until an election or appointment ordered by the council, as aforesaid, the said two freeholders, members of the said board of appeals, shall be appointed, one by the judge of the Fourteenth and one by the judge of the Forty-fourth judicial districts in January, or as vacancies occur; and any such members heretofore so appointed shall continue to hold their office until an election or appointment as above provided for, but when this act goes into effect the member appointed by the mayor shall cease to act and he shall be superseded on said board by the city assessor, who shall perform his powers and duties. A majority of the members of said board shall constitute a board for the transaction of business, and it shall be the duty of the said board to hear appeals either by the assessor or board of assessors, or the property owners, as fast as the same may arise, in order that all such controversies, as nearly as practicable, may be adjusted as the assessment rolls are made out. Said board shall meet to hear appeals and to regulate and supervise the assessment rolls on the first Monday in March of every year, and shall hold their sessions until all appeals have been heard and determined and until such assessment rolls have been so regulated and supervised, and the members of the said board of appeals, other than the city assessor, shall receive for their services a sum to be fixed by the city council, not to exceed \$5.00 per day each for each day they shall be actually engaged in the performance of their duties. The city assessor shall give at least five days' notice of such meeting by newspaper publication. The board shall have general supervision over the assessment rolls of the city and shall have the right to diminish or increase the value of any property so as to correspond with the valuation of other similar property, and shall order any error in assessment, or any inequitable assessment, to be changed and corrected. The members of the board shall be sworn by the mayor or any officer qualified to administer oaths to discharge their duties faithfully. If they propose to increase the assessment in any case, they shall cause notice, stating the fact that the assessment of the property owner is about to be increased, without specially designating the particular property or the amount to be increased, to be addressed to the owner, agent or representative thereof, and mailed at the postoffice in the city of Dallas, and shall further give such notice by publication for one day in some newspaper published in the city of Dallas, and in such newspaper publication the names of as many owners as the board see fit, may be included in one notice. The said board shall afford, as well as practicable, a patient and impartial hearing to any person complaining, and to that end shall have power to send for persons or papers and to compel the attendance of witnesses, and the chief of police of the city shall execute all such process as may be issued by said board. The said board shall keep a record of its proceedings and deliver the same to the said president of the board of assessors, to be kept as a record in his office. In case the owner of any property is unknown and the same has been assessed as unknown property, it shall only be necessary for the board of appeals in causing

notice to be given to publish the same in the said newspaper as aforesaid as the property of unknown owner or owners.

SEC. 142. A lien is hereby created on all property, personal and real, in favor of the city of Dallas, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from January in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien, but the city collector can pursue such property, and whenever found, may seize and sell enough thereof to satisfy such taxes.

SEC. 143. If anyone against whom a personal tax is assessed, and which is due and unpaid, whether the same be delinquent or not, shall have removed out of the city, or shall be about to remove out of the city, or shall have removed or about to remove his personal property out of the city, it shall be the duty of the collector to proceed at once and collect such taxes by seizure and sale of any personal property of such person to be found in the city of Dallas or anywhere in the State of Texas.

SEC. 144. All taxes shall be payable at the city collector's office, and the city council shall have full power to sell or cause to be sold, all personal and real property for taxes due, and shall make all rules and regulations necessary for such purpose.

SEC. 145. No demand for taxes shall be necessary, but it is hereby made the duty of every person or corporation subject to taxation, to attend at the office of collector some time between the second Monday in June and November the first, in each year and pay his or her taxes. If any one fails to pay them before the first day of November, the same shall be delinquent and bear interest at the rate of six per cent. per annum, and in addition thereto a penalty of ten per cent. upon the amount due shall be added to such taxes and be secured by the same lien and collected in the same manner as the taxes.

SEC. 146. The collector shall, by virtue of his tax rolls, have power and authority to seize and levy upon personal property and real estate and sell the same to satisfy delinquent taxes. When he seizes personal property for such purposes he shall keep the same at the expense of the owner until sale is made, and shall give notice of the time and place of sale of same by posting a written notice at the city hall door and one at the court house in the city of Dallas, at least ten days before the date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost and expenses in caring for said property, and shall make an entry in the book of sales of the amount realized; all such sales shall be made at any door of the city hall.

SEC. 147. Before sales of real estate are made notice of the time and place of sale, together with, as near as may be, a description of the property shall be given, by posting two notices, one at the court house and the other at the city hall in the city of Dallas; also by publication in some newspaper of the city, for at least three weeks, which shall contain a statement of the amount due on each particular piece of ground; all such sales shall be made at any door of the city hall.

SEC. 148. And finally, the city council shall have full power to do, or cause to be done, everything whatsoever necessary to enforce a prompt and valid assessment and collection of all taxes and assessments provided for in this charter, and to make all regulations necessary for a valid

assessment of such taxes and for the sale of property for said taxes and assessments.

SEC. 149. The collector shall, where any real estate has been sold for taxes, make and execute a deed to the purchaser for the property sold, which deed shall be prima facie evidence of the following facts:

First. That the lot or lots, or property conveyed, was or were subject to taxation and assessment at the time of such sale, and at the time taxes thereon were levied and assessed, and that such taxes were regularly levied and assessed in all respects according to law.

Second. That such taxes were not paid in whole or in part at any time before such sale, and that a lien existed on the property conveyed in such deed for such taxes.

Third. That the real estate therein conveyed was advertised according to law.

Fourth. That the property conveyed was regularly and lawfully sold for taxes, which were delinquent at the time of the advertisement and sale.

Fifth. When such property shall have been sold to the city of Dallas, or any other purchaser, at such sale, either for general or special taxes, the title acquired by the city, or such purchaser, shall not be disputed by any person whomsoever, or for any cause whatever, except upon tender to said city, or purchaser, of the taxes lawfully due on such property for which such sale was made, together with lawful interest thereon and all accrued penalties and costs, as provided by the city charter of the city of Dallas.

SEC. 150. A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

SEC. 151. The city shall have the right to become a purchaser of property at tax sales, and the mayor shall attend such sales for such purpose.

SEC. 152. Whenever any real property is bid off to the city, or to any individual, for delinquent taxes, the owner or attorney, or his agent, may redeem the same at any time within two years from day of sale by paying the following amounts: All taxes paid or due, ten per cent. per annum interest thereon from the time they became delinquent, and two and one-half (\$2.50) dollars as cost on each piece of property sold, and, as a further penalty, a sum equal to twenty-five per cent. of the amount of the delinquent tax, if redeemed in three months; fifty per cent. penalty if redeemed in six months; seventy-five per cent. penalty if redeemed in one year, and one hundred per cent. if redeemed thereafter within two years, the said penalties to go to the purchasers at tax sales, whether the purchaser be the city or an individual.

SEC. 153. If any real property sold for taxes under the provisions of this act shall not be redeemed within two years from the day of sale, the holder of the tax deed shall have the right to bring suit in any district court in the county of Dallas to have the absolute title to such real estate, without any equity of redemption, vested in him.

SEC. 154. All levies of ad valorem taxes heretofore made by the city of Dallas, and all assessments heretofore made, and assessment rolls heretofore placed in the hands of the city collector for collection are hereby validated, and the same shall be legal and binding regardless of any

irregularity that may exist in the manner of making such levies, and the making and returning of such assessment rolls. This provision shall apply to all suits and actions now pending, as well as those hereafter prosecuted.

SEC. 155. In any suit by the city of Dallas for the collection of any delinquent tax where it shall appear that the description of any property in the city assessment rolls shall be insufficient to identify such property, the city shall have the right to set up in its pleading a good description of the property intended to be assessed, and to prove the same, and to have its judgment foreclosing its tax lien upon the same, and personal judgment against the owner for such taxes, the same as if such property were fully described upon the assessment rolls.

SEC. 156. When the owner of any property, or his agent, shall render any property to the city assessor for assessment, and such property is assessed in accordance with the description furnished by such owner, or his agent, the sufficiency of such description shall not be disputed by such owner in any action or suit for the collection of such taxes, but the same shall be binding on such owner, and shall be sufficient for all purposes of such assessment.

SEC. 157. The provisions herein for collecting taxes shall not be construed to prevent the city from filing a suit in any court of competent jurisdiction for the collection of any taxes due on real estate, as well as personal property, and for the enforcement of levies for such taxes; and the assessment roll shall be prima facie evidence of the facts stated in said roll, and that all taxes assessed on such roll have been regularly levied and assessed in accordance with the provisions of this charter and of the law; and no irregularity in the manner of levying or assessing taxes shall invalidate the same unless it appears from affirmative proof that such irregularity operated injuriously to the taxpayer attempting to avoid the payment of such tax. The city council shall have power within one year after this act takes effect, and not thereafter, to enter into a compromise and adjust with property owners concerning all delinquent taxes on real estate delinquent for the years 1896 and the years prior thereto, and to that end may appoint a board composed of three disinterested freeholders of the city to hear complaints and to recommend to the city council what adjustment or compromise should be made of such taxes, the city council and the said board at all times to be limited in the power to make such compromise and adjustments to cases as shall be found in the discretion of the city council to be inequitable and unjust, because of the fact that the amount of such delinquent taxes as aforesaid are out of proportion to the value of the property. That no such compromise and adjustment shall be made until adopted by the city council, and thereafter a tax receipt for the amount of the said taxes in full for all such years as aforesaid shall be accepted in full satisfaction of the said taxes, and no such compromise shall be made except upon condition that all such delinquent taxes for the years above mentioned shall be paid according to the amount of such compromise and adjustment.

#### STREET IMPROVEMENT.

SEC. 158. The city council shall have full power and authority to grade, fill, raise, repair, macadamize, re-macadamize, pave, re-pave or

otherwise improve any avenue, street or alley, or any portion thereof in the city, to such an extent, and out of such material, and under such regulations as said city council may provide, whenever a majority of the aldermen present vote in favor of such improvement. All such improvements shall be entirely at the cost of the city; provided, that when any person, corporation or company owns or operates any street railroad or railroad of any kind on such street, avenue or alley, such person, corporation or company shall pay for paving or otherwise improving that part of the street between the rails and between the tracks and for two feet on each side of the rails of such road, and the city of Dallas shall be relieved of their pro rata of such sum so paid by such roads. The city shall, out of the general fund, pay for all street intersections so improved, except that portion occupied or used by said railroads, which must be paid as above provided, by the owners and operators thereof. Property owners shall pay the entire cost of all curbing. The pro rata share of the costs of such improvements due from any railway or railroad company, owners or operators, as above provided, together with the expense of collecting the same, shall be a special tax and lien against the roadbed, ties, rails, fixtures, rights and franchises of such street or other railroads that may operate thereon. The city council shall, by resolution duly passed, designate the street or streets, avenues or alleys or portions thereof, to be improved, the nature of improvements to be made and material to be used. Whenever the council shall so determine upon such improvements, they shall advertise for bids, giving the plans, specifications and the extent of the improvements. The work shall be let to the lowest responsible bidder in the discretion of the council, and with such bonds as the council may require. When street or other railroads are operated on said street, the council shall levy a special tax upon the roadbed, ties, rails, fixtures, rights and franchises of such road for the pro rata share due from them for improving the space between the rails and tracks and two feet on each side of the rails of such roads. Said tax shall be levied after the contract is let, shall become due and delinquent as the ordinance levying the same may specify, shall be a lien from the time of levy, and shall be used for the payment of said improvement. If said taxes be not paid, as provided for by ordinance, their collection shall be enforced as the collection of other taxes, by advertisement and sale of the property, rights and franchises levied upon; provided, it shall not be necessary to sell at the same time as for delinquent ad valorem taxes. At such sales the collector shall execute to the purchaser a deed similar to the one executed when property is sold for ad valorem taxes. The lien herein provided for shall be a first and prior lien, paramount to all incumbrances except taxes on the roadbed, ties, rails, fixtures, rights and franchises of the person, firm, company or corporation aforesaid owning or operating the railroad or street railway as aforesaid.

#### SIDEWALKS.

SEC. 159. The city council shall fix and determine the nature and extent of sidewalk improvements, and decide as to the kind of material to be used. The cost of constructing all sidewalks, including curbing and guttering and the keeping the same in repair, together with the cost of collection, but not including the grading, shall be defrayed entirely by the

property owners of the lots or blocks fronting on the sidewalks to be constructed according to the number of feet frontage owned by each. Whenever the city council, by resolution or otherwise, orders the construction of any sidewalk it shall specify the kind of sidewalk required to be constructed and the width of same to be so constructed, and thereupon the city engineer shall issue a notice which shall be served upon the owner of such property, if in the city, or if such owner shall be out of the city, such notice shall be published in some newspaper published in the city of Dallas five consecutive days. Such notice shall state the place where such sidewalk is required to be constructed, the kind of sidewalk required to be constructed and the width thereof, and the length of time, which shall not be more than thirty days from the date of the service of such notice, within which such sidewalk is required to be constructed, and that such property owner must proceed to construct the same, or appear before the city council at a regular meeting thereof, giving the date of such meeting, and show cause why the same should not be constructed; and if such property owner shall not construct the same within the time required by the city council in the order or resolution of the city council requiring the same to be constructed, or shall not be excused from constructing the same by the city council, the city council shall advertise for bids for the construction of such sidewalk, and shall let a contract therefor to the lowest responsible bidder, in the discretion of the council; such contract may be for any length or amount of sidewalk. As soon as practicable after the letting of such contract the city engineer shall furnish the city council a statement showing the name of the owners of the property abutting on the sidewalk so constructed, if known, if not known, shall so state, and a description of the property owned by such owners and the cost of the sidewalk immediately in front of the property so improved, and such cost shall be levied and assessed by the city council by ordinance against the property according to such statement by the city engineer, and said tax shall be a lien against such property from the date of the letting of such contract. Such ordinance shall state the amount of such tax against such respective lots or subdivisions of land, and the time when the same shall become due and delinquent; and if the same shall not be paid when due the city collector shall proceed, as soon as practicable, to advertise and sell such property for the payment of such taxes, provided in cases of sale of such property for ad valorem taxes; provided, that it shall not be necessary that such sale shall take place at the same time as sales of property for ad valorem taxes. In the event that because the same adjoins a homestead, or for any other reason, the city is unable to lawfully compel the owner to construct and repair a sidewalk by fixing a lien on his property for the cost, the city of Dallas shall never be liable for damages to any person or property by reason of any defect in any such sidewalk not immediately occasioned by the direct act of the city, or of some officer for whose acts the city is responsible at law; and in all cases the property owner on whose property any sidewalk abuts, shall be under the duty to the public, as well as to the city, to keep the said sidewalk in repair, and shall be primarily liable to any and all persons for any injuries whatever occasioned to them or their property by reason of any such defect occurring by reason of the neglect or omission of such property owner to repair such sidewalk and to keep the same

in repair, or by reason of his unlawful or wrongful act. In the event of a judgment against the city in all such cases where the property owner is made liable for damages by the provisions of this section, the city shall be entitled to a recovery over against any such property owner held to be primarily liable for such damages under the provisions aforesaid.

#### SEWERS.

SEC. 160. The city council shall have power, by ordinance, to provide for and cause a general sewer and drainage system, to be divided into public and private sewers and drains, and to be constructed, maintained and regulated in such manner and out of such material as the council may prescribe. Sewers may be established as the council may direct, and there may be extension of branches of sewers already constructed or entirely new throughout, as may be deemed expedient. The city council may, if necessary, levy a tax on all taxable property in the entire city, to pay for the construction and repairs of such public sewers, which shall be called a "special sewer tax," and used solely for such purpose. No public sewer shall be run diagonally through private property when it is practicable, without injury to said sewer, to construct it parallel with one of the exterior lines of such property. No public sewer shall be constructed through private property when it is practicable to construct it along or through a street or public highway.

SEC. 161. The city council shall have the power to appropriate private property for public purposes. Whenever the city council of said city shall deem it necessary to take any private property, either within or without the city limits, for any of the following purposes, to wit: In order to open, extend, change or widen any public street, avenue or alley, or for the construction of water mains or sewers, either within or without the city limits, or for the improvement and enlargement of its water works, including riparian rights, watersheds, reservoirs, etc., public schools, parks, squares, and pleasure grounds, public wharves and landing places for steamers and other crafts, or for the straightening or improving of the channel of any stream, branch or drain, such property may be taken for such purposes by making just compensation to the owner thereof. If the amount of such compensation shall not be agreed upon, it shall be the duty of the city council to cause to be stated in writing the real estate or property sought to be taken, the name of the owner thereof, and his residence, if known, and the purpose for which said property is sought to be taken, and file such statement with the county judge of Dallas county. Upon the filing of such statement, it shall be the duty of such judge, in term time or vacation, to appoint three disinterested freeholders and qualified voters of the county of Dallas as special commissioners to assess the damages to accrue to the owners by reason of such condemnation. The commissioners so appointed shall, in their proceedings, be governed and controlled by the State laws in force in reference to the condemnation of right-of-way for railroad companies, and the assessment of damages therefor, the city of Dallas occupying the position of the railroad company. And all laws in reference to the applications for the condemnation of right-of-way of railroad companies, including the measure of damages, the right of appeal and the like, shall apply to an application by the city of Dallas, under this charter, for condemnation of



property for the aforesaid purposes, the city of Dallas to occupy the position of the railroad company. In estimating the damages to such property the jury shall not only estimate the value of the land so taken but they shall also estimate the damage done to the remainder of any land from which it is taken, by reason of such taking and use.

SEC. 162. Provided, however, that in case of the condemnation of land for the opening, extending or widening of any street, or for straightening or improving the channel of any stream, branch or drain within the corporate limits of said city, the council may, by ordinance, provide the cost of such property shall be paid for by the property owners owning property in the immediate vicinity thereof and benefited thereby. In such cases the city engineer shall, under the direction of the board of commissioners appointed, make a plat of the property which, in the judgment of said commissioners, will be specially benefited and enhanced in value by the making of such improvement, whereupon such commissioners shall issue notices to the owners of such property to appear before them at a time and place to be designated in such notices to show cause, if any they have, why such property should not be assessed to pay the cost of the property so condemned; such notices may be served by any police officer in the city of Dallas, or any other officer of the State of Texas, or county of Dallas, authorized by the laws of said State to serve process of the courts of said State; such notices shall be served upon the owners of such property where such owners shall be found in the city or county of Dallas; and in all cases where such owner or owners, or any of them, are absent from said city and county, upon the agent of such absent owner, if such owner shall have an agent in said city or county, and, in case such absent owner shall not have such agent, or in case the owner of such property is unknown, then such notice shall be published for two days consecutively in some daily newspaper published in the city of Dallas; such notice shall be given five full days before the final determination by the board of commissioners of the amount of assessment against the owner of such property for such improvement; said commissioners shall determine the value of the property desired to be taken, belonging to the different owners thereof, if there be more than one such owner, and if there be only one such owner, the value of the same, and shall also find how much of the cost thereof shall be assessed against the owner of each lot or subdivision of the land in the immediate vicinity thereof specially benefited and enhanced in value by the making of such improvement, and shall report all said matters to the city council of the city of Dallas, showing a description of the property taken and condemned, and the name of the owner thereof, if known, and if the owner of any such property is unknown, shall state said fact, or if there be more than one owner of such property, then the description of the property of each said owner, if known, and if unknown, shall state such fact, and the value of the property of each such owner, so condemned, and also the description and name of the owner of each subdivision of property, if known, and if unknown, shall so state, describing such property so as to identify it against which special assessment should, in the judgment of said board, be made to pay for such property condemned, such apportionment to be made according to the benefits that will in the judgment of said board of commissioners be received by or accrue to such lot or subdivision of property by reason of the making of such improvements. Such report shall be signed by said board of

commissioners, or a majority of them, and shall be filed with the city secretary for the consideration of the city council. The city council shall, as soon as practicable after the filing of such report, consider the same, and if the same is approved by a majority vote of the members present at the meeting at which it considers the same, the same shall be final and binding upon the city and all parties at interest therein. If the city council shall approve said report, it shall levy a special tax against the property shown by said report to be benefited and enhanced in value by such improvement, according to the recommendation made in such report; such taxes shall be a lien on the property against which the same shall be assessed, from the date of such levy; shall become due and delinquent at the times provided in the ordinance levying the same, and if not paid as provided in such ordinance, the city collector shall proceed to collect the same as provided in the ordinance levying the same, by the advertisement and sale as provided in the city charter in cases of the sale of such property for delinquent ad valorem taxes; provided, that it shall not be necessary to make such sales at the same time as provided for in the sale of property for delinquent ad valorem taxes. The board of commissioners appointed under the provisions of this section shall have the same power to issue writs and subpoenas and compel the attendance of witnesses, etc., as commissioners appointed for the condemnation of land, etc., for the right-of-way for railroads, under the General Laws of the State of Texas, have; shall receive the same compensation for their services, and shall be governed in all respects not herein otherwise provided by said General Laws in all matters relating to their procedure. The compensation for the land and property taken or damaged under the provisions of this section shall be paid to the owner of such property so taken or damaged, or secured by a deposit set apart in money in the hands of the city treasurer, subject to the order of such owner, before such property is taken or damaged; provided, the city may make such payments out of the general fund, if the council shall deem it advisable, and when the amounts assessed against the property specially benefited as herein provided are collected, may repay to said general fund the amount so advanced, and such payment shall not be a waiver of the city's right to make such collection.

SEC. 163. The city council shall have power to require the filling up, draining and regulating of any lot or lots, grounds or yards, or other places in the city which shall be unwholesome or have stagnant water or filth of any kind therein, or growing of wild weeds, or from any other cause be in such a condition as is liable to produce disease or increase the danger to property from fire; also to cause all premises to be inspected and cleansed; also require the making, filling up, altering and repairing of all sinks and privies, and direct the mode and material for constructing them in the future. And said council shall have full power by ordinance to provide for the punishment of all persons failing or refusing to do any of such things, or permitting the premises occupied by them to be in a filthy and unhealthy state. When the city council shall determine that any lot, premises or subdivision of land is in such condition as to render it unhealthful or productive of disease, or liable to cause or spread fire, it shall instruct the city engineer to notify the owner thereof, by written notice, to make such improvements, repairs or alterations, or do such cleaning as the council may deem necessary, and order to be made or done

in order to abate such nuisance and render such property cleanly and healthful, and the city engineer or his assistant shall, when such owner is known to him, and resides in the city of Dallas, and shall not be absent from the city, serve such notice upon such owner; such notice shall state the property to be cleansed or improved, and what work or improvement is required to be done upon the same. Where the owner of such property is unknown to the city engineer, and where such owner, if known, shall be absent from the city of Dallas, or cannot be found after reasonable search, such notice shall be published in some daily newspaper published in the city of Dallas, for two consecutive days, and if the owner of such property shall not, within fifteen days after the service or publication of such notice, perform the requirements of the city council, the council may have such improvements made at the cost of the city, and tax the cost of the same against the property so improved as a special tax. Such improvements may be made in any manner provided for by the city council. When such work is completed, the city engineer shall report in writing to the council the cost of such work and improvements, a description of such property upon which the same was made, so as to identify it, the name of the owner of such property where known to him, and where unknown shall so state. When the city council shall approve such report or adopt the same, it shall by ordinance levy and assess a special tax against the property upon which said improvements is made, and said tax shall be a special tax against such property from the date of the making of such improvement. Said tax shall become due and delinquent as provided for in the ordinance levying the same, and if the same shall not be paid within the time provided in such ordinance, the city collector shall proceed to collect the same by the advertisement and sale of such property as provided in the city charter for the sale of real estate for the payment of delinquent ad valorem taxes; provided, it shall not be necessary to sell the same at the time as provided in such cases.

SEC. 164. That the city council shall have full power and authority to pass all ordinances and adopt all resolutions, rules and police regulations that may be necessary and proper to carry into effect and fully enforce all powers vested by this act, and in addition the city council shall also have power, upon all questions not provided for in this act, to pass all ordinances and to adopt all resolutions, rules and police regulations not contrary to the Constitution of the State of Texas, that may be necessary for the trade, commerce, health, order and good government of said city, and to enforce all such ordinances, rules and regulations, and punish their violation by fines and imprisonment, both or either, or by work on the streets or other public works, as may be required by the judgment of the court, and for any fine imposed by the city court, execution may issue to collect such fine and costs in the same manner as from State courts. They shall be issued to the chief of police, who, in levying on property and selling the same, shall have full power as the sheriff in executions issued from the State courts in like cases.

#### PUBLIC SCHOOLS.

SEC. 165. That the city public schools shall be under the management and control of a board of education, composed of a president and six members, who shall be elected at the general election of the city, to be held

on the first Tuesday in April, 1900, and shall qualify within thirty days thereafter, and shall hold their office for two years and until their successors are elected and qualified, and shall serve without compensation; provided, that the terms of office of all the present board of school directors of the city of Dallas shall expire in April, 1900, when the board of education herein provided for shall have been elected and qualified.

Any vacancy on said board shall be filled in conformity with the provisions of this charter. Said board of education shall have exclusive control of the public schools of the city of Dallas, and shall have full and ample power to provide necessary school buildings and facilities, and to open and conduct a sufficient number of schools to meet the wants of the scholastic population of the city of Dallas, so far as they can do so by prudent and judicious application of the means made subject to their administration and management.

Among the powers hereby conferred on said board of education, the following are, for greater certainty, enumerated: To contract for, lease and purchase lots and to construct buildings for school purposes, and to make all needed repairs and alterations in the same; to furnish said school buildings with all appropriate furniture, fixtures and apparatus; to lay off the city into such school districts as in the judgment of the said board shall be proper; to increase or diminish said districts, and to change the boundaries thereof at pleasure; to employ superintendents, teachers and such other persons as may be necessary, and to fix their compensation and prescribe their duties, and to establish all regulations and rules deemed necessary by the board to provide and maintain an efficient system of public schools in the city of Dallas. Said board of education shall annually, on the third Monday in April, file with the mayor and city council an official statement of the amount of money, as nearly as can be estimated by said board, which will be needed to pay the cost of maintaining the public schools for the next succeeding fiscal year, exclusive of money, if any, derivable from the State or any other source. The council, when levying the annual tax for the fiscal year, shall levy an ad valorem tax sufficient to defray the expenses of the city public schools; provided, that the levy made for defraying said expenses shall not in any one year exceed one-fourth of one per centum of the taxable values of the city of Dallas for that fiscal year. Said tax, when collected, shall be deposited with the city treasurer by the city collector to the credit of the school fund, which said sums, together with all sums received from the State, county and other school funds, shall be held by the city treasurer subject to the order and disbursement of the board of education, and shall be paid out upon warrants issued by order of said board, and audited by the city auditor and signed by the president and secretary of the board. An official statement or copy of all contracts, claims, accounts, pay rolls and demands of whatever nature, whereby any money is to be disbursed or expended from the school funds, shall be filed with the city auditor, who shall examine, adjust and audit all claims, accounts, pay rolls and demands before same shall be paid. The mayor and city council shall have the right to at any time demand of and receive from said board of education, an account of all sums received, disbursed and expended by them for school purposes, accompanied by vouchers, data and information deemed necessary to enable the city council to ascertain the cost, necessities and expense of said public schools. The school board

shall have authority to enter into contracts by competitive bids with publishers and dealers in school supplies for furnishing to the patrons or pupils of the public schools of the city any and all books, stationery and school supplies required by the city schools, at such prices as may be agreed upon by and between the board and such publishers or dealers, in no case to exceed the list prices of the same articles in the book stores of the city, and when such contracts or agreements are made by the board, it shall be the duty of the secretary of the board to keep constantly on hand, and to furnish to the patrons or pupils of the city schools the various books, stationery and supplies thus agreed upon, and at prices contracted for by the board; provided, that no profit, compensation or commission shall ever be allowed to or collected by said board, its secretary or any members thereof, upon the agreed or contract prices at which the publishers or dealers furnishes the same to the board under such an agreements or contracts.

SEC. 166. The president of the board of education shall be elected and hold his office as hereinbefore provided. He shall preside over all meetings of the board of education, and in case of a tie on any question, he shall give the casting vote, but in elections he shall vote as other members of the board. He shall be active in enforcing the laws, rules and regulations governing said board. He shall, from time to time, give information about the condition of affairs, and recommend for consideration such measures as he deems best for the schools. At the first regular meeting of the board of education after the general election, or as soon thereafter as practicable, the president shall appoint the standing committees of the board, and the president shall be ex-officio a member of all committees of the board. He shall have the power to veto any resolution, by-law, motion or order passed by the board of education, by filing his written objections within three days after the passage thereof, Sundays and days of passage to be excluded. At the next meeting, or as soon thereafter as practicable, the board shall consider such objections, and unless the board pass the measure over his veto by a two-thirds vote of all the members, taken by yeas and nays, such measure shall be of no effect. Regular meetings of the board shall be at such times as the board may fix by resolution or otherwise, but the president, on his own motion, may call special meetings by written notice thereof served upon each member, or left at his place of abode or usual place of business. At the first meeting of each new board, or as soon thereafter as practicable, the board shall elect one of the members vice-president, who shall hold his office for two years. In case of absence, failure, inability or refusal of the president to act, the vice-president shall perform the duties of president. In the absence of the president and vice-president, any one of the members may be appointed to preside.

#### MISCELLANEOUS.

SEC. 167. All city offices shall be kept in the city hall, and shall be open such hours as may be prescribed by ordinance.

SEC. 168. All bonds, contracts, or other instruments requiring the assent of the city, shall be signed by the mayor, or the acting mayor, and all legal process against the city shall be served upon the mayor, or acting mayor.

SEC. 169. In addition to the other modes of collection anywhere in this act provided, all taxes due the city, whether general or special, assessments for improvements or otherwise, may be collected by an action of debt, and liens on real estate foreclosed in any court having jurisdiction. The assessment rolls of such taxes shall be taken as prima facie evidence of the statements made therein, and the city shall have equal right to become the purchaser at all sales of property for taxes due it, under judgment or otherwise. It shall be the duty of the mayor to attend such sales to make such purchases if they be necessary.

SEC. 170. Before the city of Dallas shall be liable for damages of any kind, the person injured, or some one in his behalf, shall give the mayor or city council notice in writing of such injury, within ninety (90) days after the same has been received, stating in such notice when, where and how the injury occurred, and the extent thereof.

SEC. 171. It shall not be necessary in any action, suit or proceeding in which the city of Dallas is a party, for any bond, undertaking or security to be executed in behalf of said city, but all such actions, suits, appeals, or proceedings, shall be conducted in the same manner as if such bond, undertaking or security had been given, and said city shall be just as liable as if they had been duly given, and executed.

SEC. 172. The property, real and personal, belonging to said city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said city in the hands of any person be liable to garnishment, nor shall the city be liable to garnishment on account of any debt it may owe, or funds it may have on hand due any person, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever.

SEC. 173. Whenever, in the opinion of the city council, any buildings, fence, shed, awning or structure of any kind or part thereof, is liable to fall down and endanger persons or property, the council may order the owner or agent of same, or occupant of the premises, to take down and remove the same within such time as they may direct, and may punish by fine and imprisonment, or either, all persons failing so to do. Said council shall have the additional power to remove the same at the expense of the city on account of the owner of the property, and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this charter, or by suit in any court of competent jurisdiction.

SEC. 174. The city council shall have full power to condemn all dangerous buildings or obstructions of any kind, and may provide regulations therefor by ordinance.

SEC. 175. In all judicial proceedings it shall be sufficient to plead any ordinance by caption, or by the number of the sections thereof wanted and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances published by authority of the city council shall be admitted in evidence and shall have the same force and effect as would the original ordinances.

SEC. 176. All writs, subpoenas, or other process, issuing out of the city court shall run in the name of the City of Dallas, and may be executed and served by the chief of police or his deputies, or policemen anywhere in Dallas county, Texas.

SEC. 177. In all cases where, by any of the provisions of this act, or by ordinances in pursuance thereof, a person is required to obtain a license for any calling, occupation, business or vocation, and has, on complaint before the city court, been adjudged guilty of violating any rule, regulation or ordinance of the city in relation thereto, said court, in addition to the punishment to be imposed therefor, may suspend or revoke the license so granted.

SEC. 178. The city council shall have power to cause the ordinances of the city to be printed in code form, and shall have the same rearranged and digested as often as to the council may seem advisable.

SEC. 179. The city council shall have power to cause telegraph, telephone, and electric light companies to change the location of their poles; also to cause all erected poles not in use to be taken down and removed. If such companies shall fail to do such things after being notified, the city can have the same done at the expense of such companies. The city council shall also have the power to require telegraph, telephone companies, and also electric light companies to run their wires under ground, if in the wisdom of the council, public interest should so demand.

SEC. 180. The style of all ordinances shall be, "Be it ordained by the city council of the city of Dallas," but the same may be omitted from ordinances published in book or pamphlet form.

SEC. 181. All ordinances of a general nature shall be published at least once in some newspaper in the city of Dallas.

SEC. 182. All ordinances shall take effect from their passage, unless otherwise therein expressed.

SEC. 183. All ordinances of the city, when printed and published by authority of the city council, shall be admitted and received in evidence in all courts and places without any further proof whatever, and all ordinances thus printed in book or pamphlet form shall be presumed to have been printed by authority of the city council, and shall be prima facie evidence of that fact. Certified copies of ordinances shall also be received in evidence.

SEC. 184. All ordinances, resolutions, rules and regulations now in force in the city of Dallas and not in conflict herewith shall remain in force under this act until altered, amended or repealed by the city council after this act takes effect.

All ordinances of the city of Dallas now in force which may be invalid because of the absence of the power under any charter under which they were passed, but which if passed under the present charter would be valid, are hereby validated as if passed under the provisions of this act.

SEC. 185. That every ordinance passed by the city council shall be enrolled by the secretary within the next succeeding five days, Sundays excepted, or as soon thereafter as practicable. It shall then be carefully compared with the original bill and all amendments, if any, by at least one member of the committee that may be charged with that duty by the city council. If errors exist they shall be corrected. If no errors exist, or if found, then, after their correction, the member making the comparison shall endorse on the margin the words "correctly enrolled," and give the date thereof and subscribe his name thereto. Whereupon the same shall be delivered to the mayor for his consideration. If the mayor approve the same it shall become a law. If he fails to approve or object within ten days, exclusive of the day of presentation and Sunday, should

that intervene, the same shall become a law without his signature. But if within said time, he shall veto the same, he shall present his written objections to the council by filing the same with the city secretary, and unless the council shall pass the ordinance over the mayor's veto by the majority hereinbefore provided, the same shall not become a law.

SEC. 186. The city council shall have the right to remit, in whole or in part, any fine or penalty belonging to the city, which may be imposed under any ordinance or resolution passed in pursuance of this act.

SEC. 187. No lien of any kind can ever exist against the public school buildings, public halls or public works of the city of Dallas. All sub-contractors, material men, mechanics and laborers upon any public works of the city of Dallas are hereby required to notify the city of all claims they may have on account of such work against the city, and when such notice has been given, the city shall retain an amount from any funds due the contractors sufficient to satisfy all claims; provided, that such notice may be given at any time after such indebtedness becomes due and before final settlement; and, provided further, that no contractor or sub-contractor shall issue any time checks on any public works of said city.

SEC. 188. The council shall require good and sufficient bonds of all contractors, with at least two good and sufficient sureties, who shall be residents of the State of Texas. No non-resident of the State shall ever be received as surety on any bond payable to the city of Dallas, except such guarantee companies as may be satisfactory to the city council. When bondsmen are not residents of Dallas county such proof of their solvency may be required as the council may deem necessary.

SEC. 189. All appropriations made or set apart for the payment of any interest or sinking fund, or both, shall under no circumstances ever be diverted to any other purpose.

SEC. 190. All questions arising in administering said city government, and not provided for in this act, shall be governed by the State law in such cases made and provided.

SEC. 191. All property, real and personal, belonging to the city of Dallas, is hereby vested in the corporation created by this act, and the officers of said corporation now in office shall continue the same until superseded in conformity to the provisions hereof, but shall be governed by this act from and after it takes effect.

SEC. 192. This act shall not invalidate any legal action heretofore done by the city council of the city of Dallas, or any of its officers, or impair any liability which may have been created by said corporation prior to the passage of this act.

SEC. 193. No office provided for in this act and not now already existing shall be held to be created until the same is established by an ordinance of the city council.

SEC. 194. That this act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been read in evidence.

SEC. 195. The city council shall have the power to prohibit the working of State convicts within the corporate limits of the city.

SEC. 196. To define, locate and regulate variety theatres.

SEC. 197. To provide for the control and education of unprotected children, and enforce their attendance at such institutions as may be provided for them by the city.



SEC. 198. The city council shall have power to prohibit minors from going and being on the public streets and in public places in the city of Dallas between the hours of 9 o'clock p. m. and 4 o'clock a. m., at night, without the consent of their parents or guardians.

SEC. 199. The provisions of this act, in so far as they may conflict with any State law, shall be held to supersede the said laws to that extent, and it shall not be held invalid on account of such conflict.

SEC. 200. That whenever any franchise to any person, firm or corporation has heretofore been made, or shall hereafter be made by the city council for the use of any street of the city for any purpose, or for the exercise of any other public privilege or advantage, and the said grant has been or shall hereafter be made upon any conditions named in said grant of things to be performed by the said grantee, and such grant shall contain no condition of forfeiture, yet the breach of any such condition so named in any such grant, or any failure on the part of said grantee to promptly pay any tax whatever assessed by the city, shall be or cause a forfeiture of the said franchise or privilege so granted as if expressly stipulated for therein, and wherever any such grant has been or shall hereafter be made in consideration of the payment of any bonus, the said payment shall be secured by a prior lien on all the property of said grantee, within the city, whether expressly stipulated for or not, and any failure to promptly pay such bonus according to the terms of the grant, or any failure to pay any tax of any kind shall be a cause of forfeiture of the franchise or privileges granted, whether such forfeiture be expressly provided for or not.

#### COMMISSIONERS.

SEC. 201. There shall be appointed by the Governor of the State, as soon after this charter goes into effect as practicable, and every two years thereafter, two commissioners, to be known respectively as the police commissioner and the fire commissioner, who together with the mayor of the city, shall collectively constitute and be known as the "board of commissioners of the city of Dallas," and the mayor shall be ex-officio president of said board, and shall, as a member thereof, exercise the duties and functions of commissioner of public improvements as hereinafter provided. The two commissioners appointed by the Governor shall be substantial freeholders of said city, and shall have resided therein at least four years preceding their appointment, and shall have the same qualifications as are required of an alderman. The board of commissioners so constituted shall have control and supervision over the police department and fire department of the city of Dallas, and to that end shall have power to make all such rules and regulations as they see fit and proper concerning the organization, management and operation of such departments, and shall have power under such rules and regulations as they shall make, to appoint, and for cause, which to such board shall seem sufficient, and after opportunity to be heard, to discharge all policemen and firemen, including the respective chiefs of said departments. All rules and regulations concerning the police and fire departments of the city of Dallas, now in force, shall be and remain in force until altered, amended or repealed by the said commissioners, and in case of conflict between any rules or regulations of the said commissioners concerning the said departments, and general ordinance by the city council not particularly concerning such

departments, such ordinance shall control; but the said commissioners shall have sole authority to pass and adopt all rules and regulations concerning the said departments. Such board of commissioners shall also have supervisory power over the passage of all ordinances of the city council regulating the charges, fares or rates of any person, firm or corporation enjoying a public franchise, or the kind of service to be furnished the public by such person, firm or corporation, or the forfeiture for any cause of any franchise of any such person, firm or corporation.

SEC. 202. That in addition to the powers aforesaid, the said commissioners shall have supervisory power over all public improvements, the cost of which shall exceed \$500, ordered by the city council or by the board of education; over the grant of all franchises or privileges to use the streets, or exercise other public privileges made by the city council, and over the issuance of any bonds made by the city council. No person shall be eligible to the office of commissioner of the city of Dallas unless he shall be, at the date of his appointment, a qualified voter therein, and a freeholder therein of property assessed at the next preceding city assessment at not less than \$1000, and shall not be an officer, agent or employe of any corporation having, or to have, a contract with the said city by which it holds any right, franchise or immunity from said city government, or which is entitled to any compensation out of the city treasury; and such commissioner shall not be eligible to any other office under the city government during the term for which he was appointed as commissioner.

SEC. 203. No person shall be appointed policeman, or officer of police, or fireman, who shall have been convicted of any offense, the punishment of which may be confinement in the State penitentiary, or against whom an indictment for any such offense may be pending; nor shall any person be appointed who is not proven to be of good character, or who is not proven to be a citizen of the United States, or who cannot read and write the English language, or who does not possess ordinary physical strength and courage.

SEC. 204. The police commissioner shall have under his special charge the enforcement of all police regulations of the city and general supervision over the police department of the city. The fire commissioner shall have under his special charge the enforcement of all fire regulations and general supervision over the fire department of the city.

SEC. 205. The commissioner of public improvements shall have under his special charge the supervision of all contracts for public improvements awarded by the city, of all franchises exercised by any person within the city, and shall see that said contracts are faithfully complied with, and that the conditions of the grant of any franchise have been performed, and shall also examine into and keep informed as to the finances of the city, so far as to see that the interest and sinking fund provided for in any bonds issued by the city is duly preserved, and shall further inquire into the proposed letting of any contract for public improvements, the cost of which shall exceed \$500, the grant of any franchise or the issuance of any bonds.

SEC. 206. The said commissioners shall meet at least once every two weeks in regular meeting, at such time as shall be fixed by such board, at the city hall in the city of Dallas, to consider and take under advisement such business as may come before them. A majority of said board shall

constitute a quorum for the transaction of business, but no action of said commissioners shall be effected unless upon a vote of such majority, and no final action shall be taken in any matter concerning the special department of any absent commissioner, unless such business has been made the special order of the day, and such action is taken at a regular meeting of the board. Special meetings may be called by the president of such board at any time, to consider only such matters as shall be mentioned in the call.

SEC. 207. The city secretary shall be secretary of said board of commissioners, and shall keep the minutes and records of all their proceedings. Said board of commissioners shall have power to summon and compel the attendance of witnesses, and the production of books and papers before them whenever it may be necessary for the more effective discharge of their duties, and shall have power to punish for contempt before them with the same fines and penalties as the county judge may punish for contempt before the county court. All processes shall be signed by the president of the board and attested by the city secretary, and shall be served by the chief of police or any policeman of the said city.

SEC. 208. Before the city council or board of education shall have power as hereinbefore provided to order or undertake any public improvement of any nature involving an expenditure of \$500 or more, or before the said city council shall have power to grant to any person, firm or corporation a franchise or privilege to use the streets of the city of Dallas, for any purpose, or otherwise to exercise any public privilege or advantage in the said city, and before the said city council shall have power to issue any bonds of the said city for any purpose whatever, or before the city council shall have power to pass any ordinance regulating the charges, fares or rates of any person, firm or corporation enjoying a public franchise, or the kind of service to be furnished the public by such person, firm or corporation, or forfeiting or declaring forfeited for any cause, the franchise of such person, firm or corporation, the ordinances or resolutions concerning all or any of the said matters shall first have been approved of by the said commissioners, and only upon a report of the said commissioners authorizing and recommending the passage of any of the said ordinances or resolutions, shall the city council or board of education have power to act in reference to the same.

SEC. 209. In any or all of the matters above specified the ordinance or resolution covering the same shall first be approved by the said commissioners and thereupon the city council or board of education, as the case may be, may have power, but it shall not be its duty, to pass the same into an ordinance or resolution, which shall, in such event, be governed by all the rules concerning ordinances or resolutions passed by the said city council or board of education. Should the city council or board of education desire to amend any such ordinance or resolution, approved by said commissioners, the same cannot be done unless with the consent and approval of the said commissioners. In the event of irreconcilable disagreement between the board of commissioners and the city council or board of education concerning any proposed action, then, upon the submission to said board of commissioners of the proposed ordinance, resolution or order in the precise terms in which it is proposed to pass it, the city council or board of education, as the case may be, shall have power upon a vote of two-thirds of all the members elected to such body to pass

the same, notwithstanding the objection of such board of commissioners, but in the event such measure should be vetoed by the mayor or president of the board of education, the same can only be passed by the council or board of education over and notwithstanding said veto by a vote of three-fourths of all the members elected to such body, but in said case it shall not be necessary after such veto to again refer the said matter to the board of commissioners.

SEC. 210. It shall be competent for the said commissioners at any time to meet with the city council in order that there may be no delay in the transaction of such business, but in all such cases their deliberations shall be separate and the minutes of their proceedings separately kept by the city secretary. The said board of commissioners shall, on the first day of May in each year, or as soon thereafter as practicable, file with the city council a statement of the amount of money as nearly as can be estimated by the board, which will be needed to pay the cost of maintaining and operating the police department and the fire department for the next ensuing fiscal year, exclusive of any cost of fire apparatus or supplies of either department. The city council shall thereupon make provision for such money in a fund to be exclusively devoted and applied to such purpose. The city council shall from time to time, if the finances of the city, in the opinion of the council will warrant, make other provisions for such funds as the board shall require for any such purpose. All moneys to be paid out on account of said departments shall be paid out as other expenses of the city under such regulations as may be made by the board of commissioners.

SEC. 211. The commissioners appointed as herein provided for, shall hold their office for two years, and until their successors are elected and qualified, and before entering upon the performance of their duties shall take an oath to faithfully perform the duties of their said office, and such commissioners shall never receive any compensation for their said services. The city council shall have power at any time to remove any commissioner for any conduct or offense, which, in the opinion of the council, expressed by a vote of three-fourths of all aldermen elected, shall render him unfit to hold his office. And thereupon the Governor shall appoint a successor to such commissioner for the unexpired term of such office. Provided, that the power of removal herein given to the city council shall not apply to the mayor in his capacity as a member of said board of commissioners.

SEC. 212. That the provisions of this act concerning the powers and duties of the commissioners above provided for shall be held to control the powers and duties hereinbefore provided to be exercised by the city council and board of education, all of which said provisions shall be construed subject to and with reference to the provisions concerning the powers and duties of the said commissioners. That in the event, for any reason, there shall be no commissioners or quorum thereof appointed and qualified, able and willing to act, then during such period the provisions of this act concerning the commissioners shall be suspended, and the powers hereinbefore granted to the city council and board of education shall be construed without reference to the provisions aforesaid concerning the said commissioners. A commissioner shall not be deemed "able" or "willing" to act within the meaning of this section, who, because of his unwillingness, absence, sickness or other disability, extending over two

regular meetings is unable or unwilling to attend the meetings of the board.

SEC. 213. That an act entitled "An Act to incorporate the city of Dallas and grant it a new charter, Special Laws, Twenty-fifth Legislature, Chapter 6, page 15," and all other acts relative to the incorporation of the city of Dallas, so far as the same conflicts with this act be, and the same are hereby repealed, but all property actions, rights of action, claims and demands of every nature and kind whatever vested in the city under and by virtue of said laws hereby repealed, shall vest in and remain and inure to the said corporation under this act as fully and completely in all respects as if the said laws had not been repealed.

SEC. 214. Whereas, the people of Dallas are demanding that they have the benefits and reforms embodied in this bill, and that the same be put into operation at once, and there exists a necessity for immediate action by the Legislature, therefore an emergency and imperative public necessity exist requiring that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by vote, yeas 16, nays 9.]

Approved May 9, 1899.

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### A. J. GRAY—VALIDATING CERTAIN PATENT.

S. B. No. 78.]

#### CHAPTER IX.

An Act to validate patent No. 146, Volume 15, issued to A. J. Gray to 426 acres of land in Comanche county, Texas.

Whereas, bounty warrant No. 2090, issued to A. J. Gray by the State of Texas October 1st, 1855, was thereafter duly located by the vendee of said A. J. Gray in Victoria county, Texas, by a valid survey in September, 1857, and the field notes thereof, together with said warrant, duly returned and filed in the land office of Texas on the 14th day of June, 1858, by which said certificate became duly located on said land, entitling the owners thereof to the issuance of a patent thereon; and,

Whereas, thereafter said certificate was illegally and fraudulently floated by persons unauthorized so to do, and 426 acres of land under said floated certificate was located in Comanche county, Texas, and patented to the heirs of said A. J. Gray on the 27th day of May, 1875, by patent No. 146, volume 15, signed by Richard Coke, Governor, and J. J. Groos, Commissioner of the General Land Office of Texas; and,

Whereas, the heirs of said A. J. Gray, subsequent to the issuance of said patent, conveyed said land in Comanche county, through which conveyance the present owners thereof in good faith have purchased and improved the same; and,

Whereas, under the decisions of the Supreme Court of Texas, said patent in Comanche county is invalid and subject to be canceled; and,

Whereas, the present owners of said land purchased the same subse-

quent to the patent in good faith for valuable considerations, paid therefor without any notice whatever of the facts behind said patent rendering the same invalid, and have settled upon and improved the same; now, therefore,

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That said patent No. 146, volume 15, issued and dated May 27th, 1875, to said A. J. Gray, is hereby validated and made as effectual as if said patent had been duly and lawfully issued in the first instance.

SEC. 2. That the validation of said patent shall in no way affect the right of the owner of said original location in Victoria county to have said location patented.

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the eleventh day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

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## AUSTIN—GRANTED CERTAIN LAND FOR FREE SCHOOL PURPOSES.

H. B. No. 402.]

### CHAPTER X.

An Act granting to the city of Austin a block of land within said city for public free school purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the block of land in the city of Austin which is bounded on the north by Mulberry or Tenth street, on the east by Neches street, on the south by Ash or Ninth street, and on the west by Trinity street, and which was reserved from sale and marked "Public Square" on the original plan or map of said city, be and the same is hereby granted to said city of Austin for public free school purposes.

SEC. 2. That the said block of land and all buildings to be erected thereon shall constitute part of the public free school property of said city, and be under the control and management of the board of trustees or other authority having charge of the public free schools in said city; provided, that said property shall be used for free school purposes only.

SEC. 3. The fact that the city of Austin has no building to accommodate the high school department of its public free schools, and desires to erect one on the block of land above described at once, creates an emergency and public necessity requiring that the constitutional rule should be suspended which requires that bills shall be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the

House of Representatives, no vote given; and passed the Senate by vote, yeas 14, nays 7.]

Approved May 12, 1899.

Takes effect 90 days after adjournment.

## SHERMAN—AMENDMENT TO ITS CHARTER.

H. B. No. 398.]

### CHAPTER XI.

An Act to amend Sections 17, 27, 98 and 116, of an act incorporating the city of Sherman, known as "An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs," passed by the Twenty-fourth Legislature, being Chapter 6 of the Special Acts of said Legislature, and to add Sections 96a, 116a, 116b, 116c, 116d, 116e.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Sections 17, 27, 98 and 116 of an act incorporating the city of Sherman, known as "An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs," passed by the Twenty-fourth Legislature, be and the same are hereby amended so as to hereafter read as follows:

Section 17. In case of vacancy in the office of mayor or alderman, by refusal to accept, or failure to qualify, or by death, resignation or otherwise, the city council shall elect some person, not legally disqualified, to hold such office, to fill such vacancy, until the next ensuing regular city election thereafter, at which regular election there shall be elected a mayor or alderman, as the case may be, to fill out the remaining unexpired term of such office or offices.

Section 27. All process of said court shall run "in the name and by the authority of the State of Texas," and shall conclude "against the peace and dignity of the State," and shall be served and executed in the same manner as like process issued from the State court, unless herein otherwise provided. The practice and procedure of the State courts, so far as applicable and practicable, shall govern in said city court, unless otherwise provided herein, or by ordinance of the city council.

The style of the process shall be "The State of Texas."

Section 98. The city council shall have power within the city, by ordinance, to annually levy and collect taxes not exceeding forty cents on the one hundred dollars assessed valuation of all real and personal estate and property in the city not exempt from taxation by the Constitution and laws of the State, for the maintenance and support of its public free schools.

Section 116. The owner of real property sold for taxes shall have the right to redeem the same at any time within two years after the day of sale, upon the following conditions: 1st. If he redeem it within three months after the day of sale, he shall pay to the purchaser the amount of money paid by him for such purchase, together with interest thereon at the rate of six per cent. per annum, and twenty-five per cent. additional

on the amount paid at such purchase. 2nd. If he redeem it after three months, and within twelve months after the date of such sale, he shall pay the amount and interest, as above set out, together with all taxes paid subsequently by said purchaser thereof on such property, and fifty per cent. additional on the said purchase price. 3rd. If he redeem after twelve months, and within two years after the day of sale, he shall pay to the purchaser thereof the amount of said purchase and interest and taxes, as above set out, and one hundred per cent. additional on the amount of such purchase price.

SEC. 2. That Sections 96a, 116a, 116b, 116c, 116d, 116e, as below set out, be and they are hereby enacted and added to said act of incorporation of the said city of Sherman.

Section 96a. The city council of the city of Sherman shall not rent, lease, sell, or otherwise dispose of any electric light plant, water works system or other public property owned by the city of Sherman, until after the question whether or not such electric light plant, water works system, or other public property, shall be so rented, leased or sold, as the case may be, shall have been submitted to a vote of the qualified voters of the city of Sherman, and shall have been carried by two-thirds of all votes cast at such election.

No such question shall be voted on until it shall have been submitted, by resolution of the city council, passed by at least three-fourths of all the aldermen elected. Any lease, rental, sale or other disposition of such property, in violation of this section, shall be void.

Section 116a. A lien is hereby created on all property, personal and real, in favor of the city of Sherman, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from the first day of January, in each year, until the taxes are paid. Said lien shall be prior to all other claims, sale, assignment, transfer, gift, and judicial writ. The assessor and collector of the city of Sherman can pursue such property, and whenever found, may seize and sell enough thereof to satisfy the taxes due.

Section 116b. If any one against whom personal taxes are assessed, and which are due and unpaid, whether the same be delinquent or not, shall have removed out of the city, or shall be about to remove out of the city, or shall have removed or be about to remove his personal property out of the city, it shall be the duty of the assessor and collector to proceed at once to collect such taxes by seizure and sale of personal property of such person to be found in the city of Sherman, or anywhere in the State of Texas; provided, however, that this section shall not apply to any personal property exempt under the laws of the State of Texas.

Section 116c. All taxes shall be due on the first day of September of each year, and shall be delinquent on the first day of January thereafter.

All taxes, from and after the day they become delinquent, shall bear interest at the rate of six per cent. per annum.

Section 116d. In all cases where a tax-payer makes an assignment of his property for the payment of his debts, or where his property is levied upon by creditors, by writs of attachment or otherwise, or where the estate of a decedent is or becomes insolvent, and the taxes assessed against such person or property, or against any of his estate, remains unpaid, in part or in whole, the amount of such unpaid taxes shall be a first lien on all such property; provided, that when taxes are due by an estate of a deceased person, the lien herein provided for shall be subject to the



allowances to widow and minors, funeral expenses, and expenses of last sickness; and such unpaid taxes shall be paid by the assignee or trustee, as the case may be, when said property has been assigned for the payment of his debts, by the sheriff, out of the proceeds of the sale, in case such property has been seized under attachment or other writ, and by the administrator or other legal representative of decedents; and if said taxes shall not be paid, all said property may be levied on by the tax assessor and collector and sold for such taxes, in whomsoever hands it may be found.

Section 116e. A sale of personal property for taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

Approved May 12, 1899.

Takes effect 90 days after adjournment.

## BEAUMONT—GRANTING IT A NEW CHARTER.

S. B. No. 349.]

### CHAPTER XII.

An Act to incorporate the city of Beaumont, to grant it a special charter, and to fix its boundaries.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the inhabitants of the city of Beaumont, in Jefferson county, and State of Texas, residing within the territory herein described, shall continue to be and are hereby constituted a body politic and corporate, by the name and style of the city of Beaumont, and by that name shall have perpetual succession, and shall have all the rights, property, real, personal and mixed, immunities, powers, privileges and franchises now possessed and enjoyed by said city, or herein granted, and be subject to all its present liabilities, and may have a common seal and alter the same at pleasure, and may sue or be sued, plead or be impleaded in all courts of law and equity; may contract and be contracted with; may take, hold and convey, lease or acquire or dispose of any property for whatever purposes, within the city limits, or within the limits of Jefferson county, Texas.

SEC. 2. That the bounds and limits of said corporation shall be as follows:

Beginning on the right bank of the Neches river at a point in the center of Carroll avenue in the Neches river park addition to the city of Beaumont, Texas; thence south down the center of said avenue to its terminus, and continuing south 6893 feet from the beginning point to a cypress stake on the south boundary line of the David Brown league of land and the north boundary line of the J. W. Bullock league of land; thence west on said south boundary line of the David Brown league of land 12,477 feet to a stake in the center of Lafayette avenue in the Cartwright addition to the city of Beaumont; thence north on the center line of said Lafayette avenue, said center line produced north 16,810 feet to a stake northwest corner; thence east 5300 feet to a stake on right bank of Brakes bayou; thence down the right bank of Brakes bayou with its meanderings to the right bank of the Neches river with its meanderings to the

place of beginning; provided, that should any property lying beyond the city limits be platted into blocks and lots after the passage of this act, then and in that event, the owners of said property shall lay the same off to conform to the streets and blocks abutting on the same, and shall file with the city engineer a correct map of the same; and provided further, that in no case shall the city of Beaumont be required to pay for any of the said streets, at whatever date opened, but when opened by reason of the platting of the property at whatever date platted, shall become by such act the property of the city of Beaumont for use as public highways, and shall be cared for as such. Any territory adjoining the present or future boundaries of said city, may from time to time be admitted and become a part thereof by consent of the city council upon application and written consent given to the city council by the owner or owners of said land, or, as the case may be, by a majority vote of the legal voters resident on the land sought to be added. In all such cases the territory so added shall be described by metes and bounds in an ordinance accepting, assenting and adding the same to the municipal corporation.

SEC. 3. That the administration of the business affairs of the said corporation shall be conducted by a mayor and board of aldermen, to be elected by the qualified voters of the city at large, and to be designated as the council, who shall hold their respective offices for two years from the time of their election, and until their successors shall qualify, or in the event of their election or appointment, at a time other than a regular election, then they shall hold their offices until the next regular city election, and until their successors shall qualify; and the said city council may divide the city into a convenient number of wards, not more than ten, and shall define and establish the boundaries thereof, and may change the said boundaries from time to time, as may be deemed expedient, having regard for the number of inhabitants, so that each ward shall contain as nearly as may be the same number of qualified electors. And the before-mentioned board of aldermen shall consist of two aldermen elected from among the qualified voters of each ward; and provided further, that the city council may, by ordinance, provide, in the event of said city being divided into six or more wards, that said board of aldermen shall consist of one alderman selected from the qualified voters of each ward, who shall hold office for two years and until their successors are elected and qualified; no person being competent to fill the office of mayor or alderman unless at the date of his election and for one year next preceding he be a qualified voter of the city, and for six months prior to such election a bona fide resident of his ward and an owner of real property in said city. Should any alderman remove from his ward during the term for which he was elected, die, become insane or for any other reasons become disqualified to discharge the duties of his office, then his office shall become vacant and the city council shall by ballot elect a proper and duly qualified person, by majority vote of all the aldermen elected and qualified to fill such vacancy.

SEC. 4. All qualified electors of the State who shall have resided for six months next preceding any election for city officials within the limits of said city, shall have the right to vote for mayor and all other elective officers of said city; provided, in all elections to determine the expenditure of money or assumption of debt, only those shall be qualified to vote who own real estate within the limits of said city.

SEC. 5. That each ward of the city shall be established and arranged by districts, one polling place for each one thousand voters or fraction thereof over 250 voting within the limits of said ward at the last municipal election, and when two or more polling places are established, they shall be so located as to be more convenient to the greatest number of voters, with a distinct set of election officers, ballot boxes and registration books for each polling place, which polling places may all be located in the same building; provided, the voter shall vote in the ward of his residence. That the first general election of officers of the city shall take place on the first Tuesday in April, 1900, and every two years thereafter, and the present incumbents shall hold over until their successors shall qualify. No election of city officers shall be held on the day of State or county elections. That the city council shall make all necessary regulations concerning elections, and provide for the examination and counting the returns of elections, and the issuance of proper certificates to the successful candidates.

SEC. 6. That there shall be elected by the qualified voters of the city a mayor, two aldermen from among the qualified voters of each ward, a city treasurer, an assessor and collector of taxes, a city marshal and a city attorney; who shall hold their respective offices for two years, and until their successors are elected and qualified, unless sooner removed by the city council; provided, that the present officers of said city shall hold their offices until the next election of city officers, which shall be held on the first Tuesday in April, 1900.

SEC. 7. The mayor shall, not later than the second meeting of the city council after the next city election, nominate to the council candidates for city secretary, health officer, city recorder, street commissioner, city engineer, chief of fire department, market master and city scavenger, and such other officers as the city council may, from time to time create, who shall all be confirmed by the council; provided, the city council may dispense with the office of recorder, in which event the mayor shall act as recorder; and the officers confirmed by the city council shall hold their respective offices for two years, unless released by the city council, and until their successors are confirmed and qualified, and shall perform such duties as may be prescribed by the city council.

SEC. 8. The mayor, with six citizens of the city of Beaumont of good moral character, qualified voters of said city, shall constitute the board of public school trustees of said city. The present board of trustees whose terms of office do not earlier expire shall continue in office until the first Tuesday in May, 1900, and until their successors shall qualify; and should a vacancy occur it may be filled by the city council for said period, that is, until the first Tuesday in May, 1900. On the first Tuesday in May, 1900, the city council shall appoint six citizens with the qualifications above set out as trustees, three of whom shall hold office until the second Tuesday in December, 1901, and three until the second Tuesday in December, 1902, and said trustees shall determine by lot at their first regular meeting after their appointment the term for which each shall hold. On the second Tuesday in December, 1901, and annually thereafter on said date, there shall be appointed by the city council three of said trustees, who shall hold office for two years, and until their successors shall qualify. Said trustees shall take the oath of office as prescribed by Article 4020 of the Revised Civil Statutes of the State of Texas, of 1895, and shall serve without

compensation, and together with the mayor, who shall be ex-officio a member of said board and chairman thereof, shall have exclusive charge and control of the public schools of said city under the laws of the State governing the public free schools of independent school districts.

SEC. 9. There shall be appointed by the mayor and confirmed by the city council, three members of the city council, who shall constitute a board of public works. They shall hold their offices for two years or until their term of office expires, and until their successors are appointed. All matters pertaining to public improvements involving an outlay of as much as \$500 shall be referred to said board before they are finally approved by the city council; and they shall, within fifteen days thereafter, make their reports thereon, with such recommendations as they may deem expedient. They shall examine and pass upon all plans and specifications relating to such improvements, and on all bids for work embraced therein; provided, that the recommendation of the board of public works, as reported to the city council, shall not be final, but may be altered or changed by a majority vote of all the aldermen present, and after the completion of any such work, shall examine and report whether the same has been completed according to contract; and no plans or specifications for any such work shall be adopted, bids accepted, contracts awarded or work accepted for any such improvements until the report of said board in reference to said matter shall have been received and acted upon by the council. Said board may also originate and suggest public improvements, and prepare and recommend plans therefor, including all matters pertaining to their construction.

SEC. 10. The regular meeting of the council shall be held in the city council chamber as often as may be determined by the city council, not to exceed two regular meetings per month, beginning at such an hour as may be fixed by said council, and the mayor, of his own motion, may call special meetings for the transaction of special business, by causing the city secretary to serve a written notice on such aldermen or leaving the same at the residence or usual place of business of each. Any three members of the council may, in like manner, call special meetings of the council, but no special meeting shall be called except in cases of urgent necessity, and the notices served on the aldermen shall state the purpose for which the meeting is called. General business only shall be transacted at the regular meetings; but the council may adjourn from day to day until the business properly coming before it is disposed of. A majority of the whole number of aldermen elected and qualified, or the mayor and one-half of all the aldermen elected and qualified shall be required to constitute a quorum; but any three aldermen may convene and compel the attendance of members on any day of regular meeting, requiring the city marshal or any police officer to bring in the absent members; and the council shall adopt proper rules and regulations for the government of its proceedings. The council shall be the judge of the qualification and election of its members, including the mayor, may punish members or other persons for disorderly conduct during the sittings of the council, to the extent that it may fine and imprison by its ordinances and rules of order; and with the affirmation vote of two-thirds of the whole number of aldermen elected and qualified may remove any officer of the city for any misconduct or offense, which, in the opinion of the council, shall render him unfit to hold his office; but no officer shall be removed until he

shall have had the opportunity of being heard by himself or by his council, or by both, and in the investigation of any complaint under this section the council may subpoena and examine witnesses under the usual rule for taking testimony.

The meeting of the council shall be held with open doors, except when by a vote of a majority of the members present it may be deemed expedient, upon a special question, to deliberate with closed doors. At first meeting of the council after the newly elected members shall have qualified, after every election, a mayor pro tem. shall be selected from among the aldermen, who shall, in the absence or disability of the mayor, preside at meetings of the council, and who, in case of the absence or disability of the mayor, shall exercise all the functions of that office until the return of the mayor, or until such disability be removed. In case of a vacancy in any elective office, for whatever reason, the council, upon nomination by the mayor, shall fill the vacancy by the election of the aldermen elected and qualified, except in the case of a vacancy in the office of mayor, from whatever cause, when the mayor pro tem. shall order an election by the people to be held within thirty days of the time when the vacancy occurred to fill the same, and in the interval the mayor pro tem. shall act as mayor.

SEC. 11. The mayor to be elected by the qualified voters of the city, shall hold his office for the term of two years, and until his successor is elected and qualified under the preceding sections of this act. He shall be ex-officio chairman of each of the standing and special committees of the city council, and shall be ex-officio the chief of police of the city, and shall be a conservator of the peace throughout the city.

He shall have the power to appoint any number of policemen on special occasions, said policemen to serve only until the emergency shall be passed, in order to preserve the peace of the city. In case of necessity he shall have power to call out any military company in the city to aid in the suppression of any riot or public disturbance. He shall be vigilant in enforcing all laws and ordinances enacted for the government of the city; he shall preside at all meetings of the council when present, and in case of a tie in the council he shall cast the deciding vote.

The mayor shall have the power to veto any resolution, ordinance, motion or rule of order cast by the city council, in the following manner: He shall give his reasons for objecting to any action of the council subject to veto, not later than the regular meeting next succeeding that at which such action may be had, which reasons so submitted shall be entered upon the minutes of the city council, and unless the council shall at a regular meeting not later than the one next succeeding that at which the reason for the veto shall be submitted, pass such resolution, ordinance, motion or rule of order over the veto by a vote of at least two-thirds of all the aldermen present, taken by ayes and nays, and entered upon the minutes of the council, the said resolution, ordinance, motion or rule of order so vetoed shall be inoperative. The mayor shall have and exercise such power and authority as may be conferred by the city council, not inconsistent with the general purposes and provisions of this charter, and shall have the power to administer oaths, and shall sign all contracts and approve all accounts for purchases after the finance committee shall have passed upon such accounts. The mayor shall be ex-officio recorder of the city, and in his absence or inability the mayor pro tem. shall act, but the city council may by ordinance separate the office of mayor and recorder, and on the

recommendation of the mayor, appoint some one possessing the legal qualifications as recorder, and in the absence or inability of the recorder the mayor shall act as recorder in his stead.

It shall be the duty of the mayor at the last meeting of the city council held in January of each and every year, to present to the city council a message containing a statement of the financial condition of the city, including an estimate of the cost of maintaining the various departments of the city government for the past year, and such other recommendations as in his judgment he may see fit to make.

SEC. 12. The city secretary shall attend the council at its meetings and keep in well bound books a correct journal of the proceedings of that body; he shall be the custodian of the laws and ordinances of the city and of all its valuable papers, records and archives, and also the custodian of the common seal of the corporation, and shall affix the same to the lawful obligations of the city with his attestation, and to certificates and other matters necessary of attention emanating from his office, and may administer oaths in all matters pertaining to his office and city affairs. He shall keep the accounts of the city with accuracy and in well bound books, showing at all times the outstanding indebtedness of the city of every description, and expenditures of each department separately, and the sums due the city, and shall, for every obligation of the city, properly approved as provided herein, issue against the city treasurer a warrant for such sum as may be due; and he shall do and perform such other acts as he may be empowered by the city council to do; and all copies of the proceedings of the city council or of other papers composing the records of the city, when duly attested by the said city secretary, under seal of the city, shall be received as original testimony in all the courts of this State.

SEC. 13. The city treasurer shall have the custody of all moneys belonging to the city, and shall receive all moneys and revenues coming into the city treasury, and pay the same out on properly issued warrants, and shall give ample and acceptable bond to cover all funds in his custody. He shall keep the moneys of the city on deposit in some bank in the city of Beaumont, and shall keep his account in well bound books, which books shall be open to the inspection of any citizen at any reasonable and proper time. He shall prepare and publish in some newspaper printed in the city of Beaumont, an accurate and detailed statement and account of the receipts and disbursements of the revenues of the city, and the condition of the treasury, which statement shall be prepared and made up to the last day of December of each year and published on or before the first day of February following; and should the said statement not be made in the manner and at the time provided above, the city treasurer shall be liable to a fine of \$300.00, to be recovered in the county court of Jefferson county at the suit of the city attorney for and in behalf of the city of Beaumont, and the sureties of the city treasurer on his official bond shall be liable for the amount of such fine. He shall also be the treasurer of the school fund of the city, and shall receive such compensation for the discharge of the duties of city treasurer and treasurer of the school fund as the council may determine; provided, that the compensation of the treasurer for receiving and disbursing the school fund shall not exceed  $\frac{1}{2}$  of one per cent. of the same.

SEC. 14. That the city marshal shall be the chief police officer of the city, under the mayor. He shall, in person, or by some officer of the police

force, attend all regular and special meetings of the council. He shall attend upon the recorder's court, and shall promptly execute and return all process issued from said court. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city. He shall arrest all offenders against the ordinances of the city for offenses committed in his presence or upon information or demand of any reliable person, and shall have authority to take bail for their appearances before the recorder, and in default of giving such bail he shall commit them to the city prison for safe keeping until they can be brought before the recorder for trial, and shall receive such fee in every case of violation of city ordinances where there has been a conviction as is allowed to the sheriff and constable in justice of the peace courts when the defendant has paid his fine and costs, said fee to be paid out of the costs so collected, and also the salary and such commissions on moneys collected by him as may be allowed by the city of Beaumont; and it shall be the duty of the city marshal and all members of the police force, to file in the recorder's court all complaints against persons arrested by them for the commission of offenses of which the recorder's court has jurisdiction. He shall have authority to appoint one deputy, who shall be confirmed by the city council, for whose act and conduct he shall be responsible, who may be suspended by the city council for inefficiency, neglect of duty or misconduct, and such deputy shall have all the power and authority of the marshal. The marshal shall perform such other duties, and shall be invested with such other powers, rights and authority as the city council may by ordinance confer, not inconsistent with the Constitution and laws of this State. He shall be, at all times, under the direction and control of the mayor and city council, and upon written charges being preferred after trial, he or his deputy may be by a two-thirds vote of all the members of the council, suspended or removed from office for cause deemed by them adequate. He shall not absent himself from the city without obtaining from the mayor or city council a leave of absence, which shall state the duration of his absence. And the marshal may suggest to the mayor proper persons for members of the police force of the city of Beaumont, of which force he shall have direct control under the directions of the ordinances and the mayor of the city of Beaumont.

SEC. 15. The city attorney shall attend all meetings of the council, bring and defend, when necessary, and attend to all civil suits to which the city is a party, and shall represent the city in person or by deputy appointed by him, in the recorder's court; shall draw all ordinances and inspect and pass upon all documents involving the interests of the city, when requested to do so by the mayor or city council, and shall be the legal adviser of all the officers of the city upon legal questions touching their official duties, and he shall perform such legal duties as the council may prescribe, and the city attorney shall receive a fee of \$5.00 in every case for violation of the city ordinances where there has been a conviction before the recorder in the same, and the defendant has paid his fine and cost, and said fee to be paid out of the cost so collected, and also whatever salary may be allowed him by the city of Beaumont.

SEC. 16. That the recorder of said city shall exercise such jurisdiction as may be prescribed by the city council, not inconsistent with the Constitution and laws of this State, and such as may be conferred by the General Laws on mayors and recorders or other city judges; but when

any person has been tried before a justice of the peace for any offense committed in said city against a general law, such person shall not be tried again for the same offense before said recorder. The rule of procedure in courts of justice of the peace in criminal matters shall govern the recorder's court in all matters of practice, and appeals may be taken from his decisions in like manner. In the absence of the recorder, or in case of his inability to hold his courts, the mayor of said city shall hold the same, and the acts and judgments of such mayor shall have the same force and effect as those of the recorder. The recorder shall have full power, authority and jurisdiction in all cases arising under the ordinances of said corporation, and over any breaches and violations thereof, and of any and all persons thus offending, and to try and determine all suits and actions and complaints charging a violation of any ordinance of the city, and may grant new trials on motion in writing showing sufficient cause and duly sworn to. The recorder may require of any person arrested under the provisions of this act a bond for his or her good behavior and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of Beaumont. He shall have full power and authority to issue subpoenas for witnesses and to compel their attendance by process of attachment. He may punish all contempts by fine and imprisonment, or either; may issue subpoenas, writs of *habeas corpus*, warrants of arrest, executions and all other process known to the law which a justice of the peace of this State may lawfully issue, and all of said writs and process shall be issued, served and executed under the same form and in the same manner as the like process would be when issued by a justice of the peace, unless herein otherwise provided. He shall have full power and authority to administer official oaths, and all other oaths of affirmation, and to give certificate thereof. The costs in case of violation of ordinances of the city of Beaumont, where a conviction has been had, shall be the same as in justice of the peace courts; provided, however, that such costs are not to be paid unless the same have been paid by the persons convicted, and where a portion only of the fine has been paid, the prisoner may be committed for the balance of the fine and costs; and the recorder shall perform such other duties as may be prescribed by any ordinance of said corporation that may properly and lawfully be required of said officer as the judge of said court, and are not inconsistent with the laws and Constitution of this State; provided, that all money collected from fines for violation of city ordinances imposed by the mayor or recorder, shall be paid into the city treasury for the use of the city, and that the payment of fines shall be first made, and then the costs. The proceedings before said court shall be commenced by filing a complaint specifying the charges made against the accused with reasonable certainty, which complaint shall be sworn to, and shall not be quashed for any formal defects if it substantially sets forth the nature of the alleged violation. All writs and process in said recorder's court for violation of city ordinances shall run in the name of the city of Beaumont, and in such cases all prosecutions must be conducted against accused in the name of the City of Beaumont, and after stating the nature of the accusation shall conclude contrary to the ordinances of the city of Beaumont and against the peace and dignity of the same. But in the trial of any and all State cases before said mayor or recorder, and in said recorder's court, in the said city of Beaumont, as above provided, the style of all writs and process shall be *The State of*



Texas, and all prosecutions shall be carried on in the name and by the authority of the State of Texas, and shall conclude against the peace and dignity of the State. The mayor or the recorder shall keep a complete and correct docket in a well bound book, of all the cases brought before him, which docket must show the style of the case, the offense charged, and the judgment of the court, with amount of the fine and costs, and such docket shall always be open for the inspection of the public. The city council shall have the authority to determine at what time or times said recorder's court shall be open for business, and how long it shall continue in session each day, excluding Sunday and legal holidays. The recorder may receive a salary to be fixed by the city council.

SEC. 17. The following are peace officers of the city of Beaumont: The marshal, deputy marshal, patrolmen, policemen and every private citizen specially appointed by the mayor or the city council of the city of Beaumont to execute criminal process. Whenever a peace officer of said city meets with any resistance in discharging any duties imposed upon him by law, he may summon a sufficient number of citizens of said city to overcome the resistance. A peace officer or any other person may, without warrant, arrest an offender when the offense is committed in his presence or within his view, if the offense is one classed as a felony, or as an offense against the public peace, or against any of the ordinances of the city of Beaumont, or any person found in suspicious places or under circumstances which reasonably show that such person has been guilty of some felony or breach of the peace, or threaten or about to commit some offense against the laws, either of the city or State. When it is shown by a satisfactory proof to a peace officer, upon the representation of a credible person, that a felony has been committed and that the offender is about to escape, so that there is no time to procure a warrant, such person may, without warrant, pursue and arrest the person accused.

SEC. 18. The assessor and collector shall assess and collect all licenses and taxes levied and imposed by the city council, and shall pay the same over to the treasurer weekly, and the Saturday of each week, take duplicate receipts therefor, one of which he shall retain, and the other he shall return to the council, with his report in detail, showing the several amounts received, by whom paid, which report shall be made to the first meeting of the council in each month. He shall be governed by the rules and regulations hereinafter prescribed in a relation to the assessment and collection of licenses and taxes imposed by the city council, and shall do and perform such other acts and duties concerning the administration of his office as may be prescribed by the city council, and shall receive such compensation as the city council may fix.

SEC. 119. The street commissioner, where one is appointed, or the chairman of the street and bridge committee, when there is no street commissioner, shall have the oversight of and shall personally supervise the work of the men employed for work on streets and bridges, and when he may deem expedient shall make such suggestions to the mayor and street and bridge committee as will facilitate the work of the street and bridge forces, but shall have no power to contract any indebtedness on the part of the city for material unless on the order of the mayor; and shall be under the control of the mayor as to work to be performed and as to the manner of doing same. He shall correctly keep the time of men and teams employed, and make report of the same weekly to the mayor,

duly certified, and shall also keep correct account of tools and material used in his work, and make monthly report at the first regular meeting in each month to the city council, showing the amount of work performed, the itemized cost of same, and the tools and material on hand on the last day of each month, and the cost of labor and teams for said month. He shall be required to take the oath of office of his office as may be prescribed by the city council and shall receive such compensation as the city council may fix.

SEC. 20. The city engineer shall be a skilled and professional civil engineer. He shall before entering upon the duties of his office, execute a bond payable to the city of Beaumont, with two or more good and sufficient sureties, in the sum of two thousand dollars (\$2000), to be approved by the city council, conditional that said engineer shall faithfully, correctly and efficiently discharge the duties of his office during the term of his incumbency, and in case of injury to any person through error, incompetency, negligence or fraud on his part, that he shall pay the party injured thereby all damages resulting from such injury. He shall also take and subscribe to an oath of office before some competent authority to well and truly, and to the best of his skill and ability, discharge and perform the duties of his office. It shall be the duty of the city engineer to ascertain the established monuments of the city survey, and from thence to extend the surveys of the city, and from thence to locate, establish and survey all private property and streets when called on or required so to do. It shall be the duty of the city engineer to attend the regular meetings of the city council, and he shall report from time to time the condition and progress of any public works under his supervision and control, and also make suitable reports from time to time, when specially directed or required by the city council. He shall make an annual report, setting forth the amount of work performed during the municipal year, the kind or character of said work, and generally give a clear, concise and business-like statement of the entire operations of his office. It shall be the duty of the city engineer, upon the application of any person desiring to construct any improvement, to furnish to such applicant a permit, which permit shall be presented to the mayor for his approval, and when approved by him shall be full authority for the construction of such improvement. No right of way over any of the streets within the city shall be granted to any railway company unless a map and profile of the grades along the streets named shall accompany the application and ordinance, and it shall be the duty of the city engineer to inspect any and all such maps and profiles, and report the result of his investigation to the city council, and no right of way shall be granted until such examination shall be made and reported upon, in order to better protect the rights of property owners along the several streets; provided, that there shall be no cost attached to the city. The city council shall fix the compensation for the services of the city engineer, and may pay him in addition thereto a salary. No railway company or street railway company within the limits of the city shall lay down additional tracks within said limits without a special permit from the city council being first had and obtained; and it shall be the duty of the city engineer to examine and report on such application as to the advisability of granting said special permit, and the city engineer shall be required to do and perform such other acts as may be lawfully fixed by the city council.

SEC. 21. It shall be the duty of the sewer inspector, when one is appointed, to inspect all sewerage and plumbing work performed in the city of Beaumont, and take such steps as may be necessary to enforce the observance of all ordinances of said city relating to plumbing, sewerage and drainage, and also to perform such other services relating to the engineering department of the city government as may be required of him by the city engineer and sewer committee.

SEC. 22. The city health officer shall be a physician in good standing, and shall in conjunction with the mayor and city council have general charge of the sanitation of the city. He shall keep a register of births and deaths in the city, and shall report the same to the council at the first meeting of that body in each month; and shall do and perform such other acts and shall be guided by such regulations as may be prescribed by the city council.

SEC. 23. The city scavenger in all matters pertaining to privies and water closets shall have and exercise such powers as may be lawfully conferred upon him by the city council, which shall have authority to provide by ordinance that he may collect his fees in advance, and it shall be the duty of all persons to obey his orders or instructions in reference thereto, under penalty of fine, to be fixed by ordinance; he shall be the only person with power to remove night soil, and shall receive such fees as may be fixed by the city council; and shall do and perform such other duties as may be lawfully prescribed by the city council, and shall in all things be guided by the ordinances of the city and the laws of the State.

SEC. 24. The city health officer shall have the right in the discharge of duty to enter upon any premises between sunrise and sunset for the inspection of the same, and may order the removal of any nuisance or any substance likely in his opinion to create a nuisance, or to be injurious to the public health, but in any event application shall be by him first made to the owner or occupant of the premises for permission to enter and make such inspection; he shall receive such compensation as shall be allowed by the city council.

SEC. 25. The chief of the fire department shall have charge of the fire department of the city, including the men, horses, apparatus and houses, under the control of the mayor and the fire committee of the city council, and under such regulations as may be established by ordinance. He shall make a monthly report to the city council, and may at any meeting of the council make such suggestions with reference to the affairs of his department as in his opinion will enhance its efficiency; and he shall have the power, under direction of the city council, to remove any structure which may be a menace to adjacent property. He shall do and perform such other acts as he may be lawfully directed to do by the city council, and receive such compensation as may be fixed by the council.

SEC. 26. That the salary and fees of office of said city shall be determined by the city council at least one month previous to election, which salaries and fees, when so determined, shall not be lowered, but may be raised during the period for which said officers were elected. That the officers named in this charter shall perform the duties prescribed by this act, and such other duties as may be prescribed by ordinances. And there shall be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the mayor, with the approval of a majority of all the aldermen present at any meeting

when such officer shall be nominated, as hereinbefore provided, who shall perform such duties and receive such compensation as may be prescribed by ordinance. The council may require any officer or agent of the city, as it may deem proper, to give good and sufficient bond, with approved security, for the faithful performance of his duties, in such sum as it may prescribe. That bonds shall be required of the city assessor and collector in any amount not less than double the amount of funds which may probably be in their hands at one time, to be determined by the city council, which bonds shall be upon such conditions as may be determined by the city council, and with good securities, to be approved by the city council, and the city shall in like manner require bonds of any officer or agent of the city through whose hands the money of the city may pass.

SEC. 27. That the by-laws and ordinances of the city shall be enforced by fine not to exceed two hundred dollars; provided, that no ordinance or by-law shall provide a less penalty than is prescribed for a like offense by the laws of the State. The city council may provide, by ordinance, for the commutation of fines imposed by labor in a work house, on the streets, or public works, or otherwise, as the council may legally provide, and for the collection of any fine imposed, execution may be issued from the recorder's court in the name of the city of Beaumont against the goods and chattels, land and tenements of the person offending.

SEC. 28. The city council shall have the exclusive control and regulation of all streets, alleys, public grounds and highways within the corporate limits of the city, and shall have power to abate and remove encroachments thereon in a summary manner, to put drains and sewers therein, and when necessary condemn private property for said purposes; to permit, to prevent and regulate the laying of gas and water mains therein, and the erection of telegraph, telephone and electric light poles therein; to impose such terms as to them may seem proper for the use of the streets and sidewalks for any purposes whatever, and by any person or corporation, and to demand and collect for the use of the same such compensation as to the city council shall seem meet and proper; to regulate, establish and change the grade of all sidewalks, streets and premises, and to require and compel the cutting down or filling up and raising of such streets and premises; to construct, regulate and keep in repair all bridges, culverts, sewers and crossings, and to control and regulate the use of the same; to construct, regulate and keep in repair all necessary sidewalks and footways and streets; to grade, cut down and fill up and pave the same; to regulate the use and abate and remove encroachments and obstructions thereon, and to compel the removal of the same, and to punish any person or corporation by fine, or by the imposition of a penalty, to be collected in a civil suit, who shall encroach upon or obstruct the same or who shall fail to have such encroachments withdrawn, or such obstructions removed, after being notified by the proper officer to remove or withdraw the same, and to provide by ordinance that each day such encroachments or obstructions are permitted to remain after notice is served, shall constitute a separate offense.

SEC. 29. The city council is hereby authorized and empowered to take and condemn land and real estate within the corporate limits of said city to the public use of streets, alleys and highways, and for extending and widening the same; and for public wharves and landing places for steam-

ers and other crafts; for public schools and public squares, parks and pleasure grounds. For the condemnation of any land or real estate, the following proceedings shall be had: The city council shall pass a resolution describing by metes and bounds the land to be condemned, stating for what public purpose it is intended to be used, and thereupon the provisions contained in the Revised Civil Statutes of the State of Texas, A. D. 1895, and subsequent acts of the Legislature relating to the condemnation of lands by railway companies, shall regulate and control the proceedings had and taken by said city for condemnation purposes, so far as applicable; provided, that no person's property shall be taken for the purposes above named except upon adequate compensation being paid, or secured by a deposit of money in the manner provided by law in condemning property for railroads.

SEC. 30. The city council shall have authority, by ordinance or resolution, to order the filling up and drainage of any property where water is liable to accumulate and become stagnant; to order the proper and permanent connection of sinks and water closets with the public sewers, the removal of privies and the filling up of cess pools; to order the cutting of weeds and tall grass on private property, and on the adjacent sidewalks; generally to order and control the doing of any work of a sanitary character which may be deemed necessary on or about any premises within the limits of the city of Beaumont, and to prescribe the time within which the same shall be done; and in no event shall any such work be charged against the city, but the expense shall be defrayed by the owners of the property involved.

SEC. 31. No person shall erect any building or fence in the city without first obtaining a permit as hereinbefore prescribed, and having the lines of his property established by the city engineer; provided, that fences may be constructed on interior lines without such permit, but all permits for building houses and fences shall be issued by the city engineer and approved by the mayor.

SEC. 32. That the city council shall have power to take such measures as they deem effectual not inconsistent with the general law to prevent the entrance of any pestilential, contagious or infectious disease into the city; to stop, detain and examine for that purpose any person coming from any place infected or believed to be infected with such disease; to establish, maintain and regulate pest houses or hospitals within the city, or not to exceed five miles from its bounds; cause any person who shall be suspected of being infected with any contagious disease to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel or property of any kind which shall be suspected of being tainted or infected with pestilence; to prevent persons from infected places coming into the city of Beaumont, and to adopt any sanitary measure whereby the health of the city may be protected and improved; but said corporation shall not have power or authority to prevent railroad trains and passengers therein from passing through the city, but may regulate the speed of such trains passing through and prevent their stopping; and in the exercise of such duties the city shall be held as exercising governmental functions.

SEC. 33. The city of Beaumont shall have the right by ordinance duly passed by the city council, to exercise such powers as may be necessary under the State law for the following purposes: To secure the safety

and convenience of passing in the street, sidewalks and other places in the city. To fix the squaring and to prevent encroachments and obstructions on the streets, sidewalks, squares, ways, levies, public roads and places. To establish an active system of inspection over the conduct of persons and premises. To establish and maintain a city police, prescribe the duties of policemen and regulate their conduct. To provide for lighting the streets by gas, electricity or other means, and for this purpose may establish gas works or electric works for the manufacture of gas or electricity for the use of the city and the inhabitants thereof. To determine in what part of the city slaughter houses, bone boilers, soap makers, brick yards or other establishments of any business which is or may be injurious to the value of adjacent property, or unwholesome or disagreeable to the occupants of adjacent property, shall not be allowed to be carried on or to be allowed, and to regulate the same, and provide for the removal of such establishment. To determine in what part of the city wooden buildings shall not be erected; to prevent gunpowder or other explosive material, kerosene oil or other inflammable oils being stored within the city limits in such quantities as to endanger the safety of adjacent property. To provide means for the protection against and the extinguishment of conflagrations, and for the regulation, maintenance and support of a fire department. To permit or forbid theaters, balls and other public amusements, and to suppress the same whenever the preservation, or order, tranquility or public safety may require. To close dram shops, drinking saloons and other places where intoxicating liquors are sold, and variety theatres, whenever necessary or expedient. To define what shall be a nuisance in said city, and to abate same by summary proceedings. To prohibit and punish keepers and inmates of bawdy houses, and to segregate and regulate variety shows, and to determine such inmates and keepers to be vagrants, and to provide the punishment of such persons. To provide a work house or other means of punishment for vagrants and disorderly persons who are unable to pay fines, and to make regulations concerning the same. To regulate weights and measures, and to fix penalties for not using same, and to provide that inspection fees may be fixed by ordinance, and shall be paid by the owner of such weight and measure. To provide and keep a city prison. To make all needful and proper regulations concerning keepers of taverns, grog shops and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers, and drivers of baggage wagons and other vehicles, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains, and to locate when and how hacks shall stand at depots or hotels. To prevent extortion by carriers of passengers or baggage, hack, drays and all public conveyances, by establishing maximum rates of charges. To suppress gambling houses, and to punish keepers of gambling houses and pool sellers, and all persons who play at cards, or games of any kind, and to punish persons who sell lottery tickets, and who advertise lottery drawings or schemes, and the results of the drawings of lotteries. To require the railway companies to keep the streets over which they run properly drained, and if the construction of the track travel be thrown to one side, then the street at such point shall be kept in repair, and to light the same whenever deemed necessary. To require steam and street railway companies to construct and keep in repair, from curb to curb,

bridges and crossings at the intersection of streets and of avenues, and over all ditches, sewers and culverts on the line of railways on all streets over which they run. To regulate the speed of engines and locomotives within the city. To regulate burial grounds and cemeteries, and to prohibit burial within the city limits if deemed advisable, and to condemn and close cemeteries and burial grounds in the thickly settled portions of the city when demanded by the public interest; to remove, or cause to be removed, all bodies interred in such condemned and closed cemeteries and burial grounds and cause them to be re-interred in a suitable place, and to use such condemned grounds for such purposes as may best subserve the interest of the city. To direct and control the construction of railroad, tracks, turnouts and switches, to regulate the grades of the same, where they are below or above the city grades, and that they be required to be constructed and laid out so as to interfere as little as possible with the ordinary travel and use of the streets. The city council may provide, own and maintain gas works, electric light works and water works for the use of the city and the inhabitants; and for this purpose may issue, and cause to be issued, the bonds of the city, in such sums as may be requisite and necessary, which bonds shall bear interest at the rate of not exceeding six per cent., and shall be sold at not less than par. The city council, by resolution, shall fix the denomination of such bonds and the date of their maturity; provided, that no such bonds shall be issued nor sold until a plant of sufficient capacity has been contracted for, and then only a sufficient number of bonds shall be issued to cover the actual cost of construction or purchase; and provided further, that all city bonds issued shall be issued in compliance with Articles 918a, 918b, 918c, 918d, 918e and 918f, of the Revised Civil Statutes of Texas of 1895. The city council shall have authority, by ordinance duly enacted, to provide for a system of public free schools and for a public library in the city of Beaumont, and to this end make appropriations of the revenues of the city in amounts within the discretion of the council, and may receive donations of books, papers, magazines, periodicals and other property or money for the benefit of and maintenance of such public library. The city council shall have power and authority to make all needful and proper regulations in regard to butchers and persons selling meats, game or fish, and shall have the power to compel all such butchers and persons selling meats to have the same inspected before it can be offered for sale, and may prescribe by ordinance the manner in which the same shall be inspected, and shall have the power to compel any person so offering meats for sale to pay an inspection fee to the city for having his meats inspected. The city council shall also have the power to require that all animals shall be inspected or hoof before the meat can be offered for sale. The city council shall also have the right and power to establish, or to arrange for establishing, one or more slaughter houses and slaughter pens, either in the city limits or on the outside of same, and may require that all meats to be sold in the city shall first be inspected on the hoof and slaughtered in said slaughter houses and pens, to pay to the city a fee for said inspection and privilege of slaughtering at said slaughter houses. To provide for regulation of bakers, and for prescribing the weight, quality and price for bread manufactured and sold in the city of Beaumont, according to the price of material or otherwise, and to provide for the inspection of milk cattle,

whether kept within or without the city limits, from which milk is sold within the city, and to provide for the inspection of milk to be offered for sale. To establish and regulate public pounds, and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceeding and the penalty incurred and to order their destruction when they can not be sold, and to impose penalties on the owners thereof for violation of any ordinance, and to impose penalties on the owners or keepers thereof. To tax, regulate, restrain and prohibit the running at large of dogs and to authorize their destruction when found at large contrary to ordinance and to impose penalties upon the owners or keepers thereof. To prohibit and restrain or regulate the firing of fire crackers, use of velocipedes and bicycles, or use of any pyrotechnic or any other amusement or practices tending to annoy persons passing in the streets or sidewalks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, or the blowing of horns and bugles, crying of goods and all other noises, practices and performances tending to the collecting of persons on the streets and sidewalks, by auctioneers and others, for the purpose of business, amusements or otherwise. To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines and locomotives within the city limits. To prescribe the fees that shall be paid the city scavenger for the removal of night soil; to prohibit any one except the city scavenger or those in his employ, from removing or carrying away the contents of any privy, vault or water closet, or any other receptacle of human excrement. The right to prescribe by ordinance that it shall be the duty of the city scavenger, whenever in his judgment it may be necessary, to notify the tenants or owners of property that their premises need cleaning, and to have the same cleaned within a certain time and fine any person who fails or refuses to do so. To prevent any person from bringing, depositing or having within the limits of said city any dead carcasses or other offensive or unwholesome substance or matters, and to require the removal or destruction by any person who shall have placed, or caused the same to be placed upon or near his premises, or elsewhere, any substance or matter, filth, or putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city, and require the owner of any dead animal to remove the same to such place as may be designated. To regulate the use of switches to the various manufacturing plants by railroads entering the city. It shall likewise be the privilege of the city council to arrange as far as practicable switching facilities for all railroads now entering or which may hereafter enter the city. To prevent, regulate and control the driving of cattle, horses and all other animals into or through the city. To prevent all trespasses, breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, obscene, profane language, misdemeanors, and all disorderly conduct, and punishing all persons thus offending. To prevent and punish the keeping of houses wherein indecent, loud or immodest theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments. The city council shall have power to require on due notice all steam or street railway companies owning tracks within the city limits which may have been, or may hereafter be abandoned by



them by non-use, to remove such tracks and to restore, at their own expense, the street or way upon which such abandoned track is located to a proper grade. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing or remaining in the streets. To restrain and punish vagrants, medicants, street beggars and prostitutes, inmates of bawdy and disorderly houses and gamblers, and the different kind of vagrants, as defined by the State Penal Code. The city council, for the purpose of guarding against the calamities of fire may prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits in said city as they may designate and prescribe, and may also, within said limits, prohibit the moving or putting up of any wooden building from without said limits, and may also prohibit the removal of any wooden building from one place to another within said limits, and may direct, require and prescribe that all buildings within the limits so designated and prescribed as aforesaid, shall be made or constructed of fire-proof materials; and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and may prescribe the manner of ascertaining such damage; may declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such a manner as they shall prescribe and direct; to declare all wooden buildings in the fire limits, which they deem dangerous to contiguous buildings, or in causes or promoting fires, to be a nuisance, and require and cause the same to be removed in such manner as they shall prescribe, and may prescribe limits within which only fire-proof roofing shall be used, and may impose a penalty for violation of such rules and regulations. The city council shall also have power to pass ordinances authorizing the destroying of clothing, bedding, furniture and buildings infected with germs of any contagious or infectious disease, when in the discretion of the city council the public health requires the destruction of the same, and may also, in the same manner, authorize the destruction or removal of buildings or other objects, after the same shall have been declared a nuisance by the city council; provided, the city shall pay the value of such property to the owner thereof. And generally to make and establish all rules, regulations, by-laws and ordinances which may contribute to and promote the better administration of the officers of the said city, as well as for the maintenance of the peace and tranquility of said city, and for the protection of the persons and property of its inhabitants. It shall be the duty of the city council, within six months after the passage of this charter, to have compiled, printed and published in book form, convenient of access by all citizens, this act and all the ordinances of the city which may at the time be enforced; and all such ordinances not so published shall thereafter become null and void; nor shall any ordinance thereafter passed take effect or be in force until the same has been published in some daily newspaper in said city, except as otherwise provided herein.

SEC. 34. That no person shall be an incompetent judge, witness or juror by reason of his being an inhabitant or freeholder in the city of Beaumont in any action or proceeding in which said city may be a party interested; and all officers of said city shall be exempt from jury service

while holding office. That it shall not be necessary in any action, suit or proceeding in which the city of Beaumont shall be a party, that any bond or security shall be given, but all actions, suits or proceedings shall be conducted as if said bonds or security had been given.

In all judicial proceedings it shall be sufficient to plead an ordinance of the city by caption without embodying the entire ordinance in the pleading, and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. The property, real and personal, belonging to the city, shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city, in the hands of any person be liable to garnishment, nor shall the city or any of its officers or agents be required to answer any writ of garnishment against the city of Beaumont.

SEC. 35. The city council shall have the power to construct wharves on the banks of the Neches river within the limits of said corporation, and make such other improvements as may be necessary for the better navigation of said river, and for the convenience of landing vessels and their cargoes; and to levy contributions on all such vessels and their cargoes as may land at such wharves, and to demand and collect the same to defray the expense of such improvements and repairs.

SEC. 36. That all works of improvements and public works of said city of Beaumont, the cost of which shall exceed the sum of \$500, shall be let out by sealed bids to the lowest bidder, when the council in its discretion may deem best. City printing and all repairing of bridges or other similar works of which it is manifestly impossible to make specifications is not embraced in this requirement. The city council shall determine the nature and expenses of all sidewalks, curbing, drainage, sewer and paving improvements, and the drainage and sewer districts as heretofore laid out may remain as determined or be changed. The city council shall designate the streets and portions of streets on which improvements shall be constructed, and the city engineer, or some special engineer employed by the council shall be directed to prepare plans and specifications for the same for at least two classes of standard material in the case of paving, and for cement, brick and stone for curb walls, which said specifications shall be presented to the city council and referred to the board of public works with the designation of streets and portions of streets to be improved. The board of public works shall, within ten days, report their conclusions for, when the council shall pass upon the same; provided, that the contract upon the proposed improvement and the plans and specifications therefor, when the council shall pass upon the same; provided, that the conclusions and recommendations of the board of public works shall be final, unless changed, altered or rejected by a majority vote of all the aldermen. No contract shall be made or entered into until plans and specifications shall have been adopted and an advertisement inviting sealed proposals shall have been published in at least four issues of some daily paper published in the city of Beaumont, stating the amount and kind of work to be done and the materials upon which bids are desired. No bids shall be considered unless made in accordance with the plans and specifications, and no allowance for extra work shall ever be made or paid for, unless a separate contract shall be made by authority of the council for such work as may be necessary. The sealed proposals

shall be addressed to the city secretary, and shall be opened only in the presence of the city council at a regular meeting. Bond and security to be fixed and approved by the city council shall be required of all contractors. When any proposals for work shall have been opened as above provided they shall be referred to the board of public works, and the city engineer, or the special engineer shall be required to make from the proposals an estimate of the cost of the whole work according to the plans and specifications adopted on each proposal for each class of material, which estimate shall be presented to the board of public works for their information, and upon the report of the said board of public works being made to the council, action shall be taken on the proposals, and the contract awarded; provided, that the council, in its discretion, may reject any and all bids. If no bids be received, or those received be rejected, then and in that event the work may be proceeded with under the direction of the street and bridge committee and the city engineer or the special engineer employed by the council, which latter officer shall be charged in all cases with proper supervision of all works of improvement, that the plans and specifications may be properly carried out. Any railroad or street railway company now occupying the streets and alleys and public places, or which may hereafter occupy the streets and alleys and public places of the city of Beaumont, shall be liable for the cost of grading, paving, repairing or repaving or otherwise improving the portion of the street or intersections used or occupied by such railway company, and such cost shall be a lien upon the property and franchises of the company, and it shall not be necessary to express such liability and lien in the ordinance granting such franchise to such railway company, but the same shall exist and notice shall be taken of the same, without being expressed. The portion of a street occupied by any railroad or any street railway company shall be deemed to mean all that portion of the same between the rails of said tracks laid and extending twelve inches beyond the outer edge of the rails of such road, and including the space between double tracks and between the main track, side tracks or turnouts. Any railroad or street railway company proposing to occupy any street already occupied by any other such company shall, besides being liable to pay for paving along their tracks as above provided, be liable also to pay for paving between the tracks of said two roads to within twelve inches of the track of such other road; and such cost shall be a lien upon the property and franchises of the company. Should any railroad or street railway company propose to lay a track on any street which shall have been improved under the provisions of this act, it shall become liable according to the portion of the street occupied by such company, as defined above, for such portion of the cost of improvement as the city council may direct, not in excess of what would have been its proportion of the original cost of the improvement had its track been on the ground when the improvement was made. Before any railroad or street railway company shall be permitted to occupy such improved street or portion of street, it shall file with the city secretary, in writing, prepared by the city attorney, an acceptance of the terms on which its occupancy shall be permitted; provided, that such railway companies shall not be liable to pave any streets or make any improvements except such as are required by ordinance of the city of Beaumont.

SEC. 37. That no officer of the city of Beaumont shall be peculiarly

interested, directly or indirectly, in any contract let by the city, nor in any work done by the city; and in the event that any such officer should become interested as aforesaid in any contract or work by the city, then the said contract shall become null and void, and any such work shall be discontinued, and a new contract shall be made or new agreements made for continuing the work before any further progress is made under contract or otherwise.

SEC. 38. That the council shall have power and authority to establish one or more market places, within which to conduct the sale of fresh meat, game, fresh fish, poultry, eggs, vegetables and such country produce and wares and merchandise as is usually sold in markets, and to prohibit the sale of same at any place in said city other than said markets and market places so established, and to collect market license and privileges; to rent and lease for such length of time as the city council may determine, not exceeding one year, stalls or stands in said market for the sale of the before mentioned articles, and to regulate and fix the price for prompt collection of rent of the same, and to pay all expenses for collection thereof, and for properly caring for and keeping in repair the market building and for pavement of streets fronting on and adjacent thereto, and for insurance of the same, and their contents, and such care, paving, insurance and general keeping of said market houses shall be paid as far as possible out of the revenue collected out of said market houses.

SEC. 39. That style of the ordinances of the city shall be: "Be it ordained by the city council of the city of Beaumont."

SEC. 40. That every ordinance imposing a penalty, fine, imprisonment or forfeiture, for violation of its provisions, shall after the passage thereof be published in every issue of a daily paper published in said city for ten days, and shall not take effect until such publication has been completed. The city clerk shall note on such ordinances as are required to be published the fact that the same have been published as required by the charter, and the date of such publication, which shall be prima facie evidence of such publication; provided, that the provisions of this section shall not apply to the revision and confirmation of the ordinances of the city as the council may from time to time adopt.

SEC. 41. All other ordinances and resolutions shall take effect on being approved by the mayor, or on the termination of the time allowed for vetoing ordinances without being vetoed, unless another time for taking effect to be fixed for the ordinances or resolutions.

SEC. 42. That in case of a tie vote by the council the mayor shall have the casting vote.

SEC. 43. General Powers of the City Council.—That the city council shall have the care, management and control of the city and its property and finances, except as may be herein otherwise specially provided for, and shall have the power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of the State, and to alter, modify or repeal such ordinances.

SEC. 44. The city council shall have the power within the city, by ordinance, to levy and collect an annual tax of not exceeding for all purposes, including taxes levied for the support of public schools, of one dollar and thirty-five cents on each one hundred dollars valuation of property values within the said city, and such taxes shall be levied at its first regular meeting in May of each and every year, as follows:

1. An annual tax of not exceeding sixty cents on each one hundred dollars valuation of all property within the limits of the said city made taxable by law for State and county purposes, the money raised by the said taxes to be used for current expenses, and for general improvement of the city or its property, and at least twenty cents thereof shall be set apart and devoted to the improvement of streets and building of bridges within the city.

2. An annual tax of not exceeding twenty-five cents on each one hundred dollars valuation on all property in said city subject to taxation, for the maintenance of the public free schools and the erection of school buildings in said city; and said city of Beaumont is hereby constituted a separate and independent school district.

3. An annual tax of not exceeding fifty cents on the one hundred dollars valuation of all property within the limits of said city made taxable by law for State and county purposes, the money raised by said taxes to be used to pay the interest and to provide the required sinking fund upon all bonds heretofore issued by said city of Beaumont or that may hereafter be issued for the purpose of permanent public improvements, and said city is hereby authorized to issue in compliance with Articles 918a, 918b, 918c, 918d, 918e and 918f, of the Revised Civil Statutes of Texas of 1895, bonds for said purpose, to bear a rate of interest not to exceed six per cent. per annum and to be sold at not less than par. The city treasurer shall keep the interest and sinking fund separately and shall honor no draft on the interest fund except to pay the interest on such bonds and shall honor no draft on said sinking fund except to redeem such bonds, or to purchase interest-bearing bonds of the United States or the State of Texas, or of any county in the State of Texas. It may also levy, assess and collect upon each male citizen of the city over the age of twenty-one and under the age of forty-five years, an annual poll tax of one dollar. That lands within the limits of the city which have not been laid off into blocks and lots shall not be assessed or taxed otherwise than by the acre and shall continue to be so assessed and taxed until laid off into lots and blocks by the owner thereof, and the owners of such land in laying off the same into lots and blocks, shall so arrange the streets that they shall correspond as nearly as practicable with previously established streets of the city.

SEC. 45. That all such bonds shall specify for what purpose they were issued. Provisions shall be made to pay the interest, and not less than two per cent. annually for the principal, to redeem the bonds.

SEC. 46. That neither the money for which such bonds may be sold nor the money raised to pay the interest and sinking fund thereof shall be diverted to any other purpose, and the city treasurer shall not honor any draft drawn on said interest and sinking fund except to pay the interest on said bonds, or to redeem the same, except as hereinbefore provided.

SEC. 47. Whenever the accumulated sinking fund upon any issue of bonds shall amount to as much as one thousand dollars, the same shall be applied at once to the discharge of a like amount of said bonds, and should the city not be entitled to redeem any of such series and the holders be unwilling to surrender the same, the said fund shall be invested in other valid interest-bearing bonds of the United States or of the State of Texas, or of any county in the State of Texas, as the council may determine, and

when so invested the bonds purchased and the interest thereon shall be held as a trust for the particular fund from which the money was taken and shall not be sold or otherwise used except for the purpose of retiring the original bonds for whose use the fund was created.

SEC. 48. The city council shall have authority to fund or refund any part of its existing valid bonded indebtedness when the same becomes due at the same or a lower rate of interest, and for the purpose of exercising the option reserved to pay the same before final maturity, may issue new bonds bearing a lower rate of interest and exchange the same for existing bonds or sell the same as the council may determine, and may fund or refund all or any part of its general or script indebtedness, and may issue bonds therefor running for any number of years the council may provide, not exceeding 40 years, and bearing not exceeding 6 per cent. interest.

SEC. 49. The city council shall have power by ordinance to regulate the manner and mode of making out tax lists, inventories and appraisements of property for taxation, and to prescribe the oath that shall be administered to each person on such rendition of his property, and to prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls and fix duties and define the powers of the assessor and collector, and adopt such measures as the council may deem advisable to secure the assessment of all property subject to taxation within the city, and to collect the taxes due thereon; and may, by ordinance, provide that any person, firm or agent in control having property subject to taxation, or being liable for any tax under the provisions of this charter, and neglecting, failing or refusing to render a list, inventory and appraisal thereof, or failing or refusing to make oath thereto, as required by the ordinance of this city, shall be liable to a fine and imprisonment, or either, as may be prescribed.

SEC. 50. There shall be a board of equalization, composed of three resident freeholders of the city of Beaumont, who shall be appointed by the mayor and confirmed by the city council after each election in the said city, each of whom shall take the oath of office prescribed by the Constitution of the State of Texas, who shall hold their office for the term of two years from their appointment and qualification. They shall receive such compensation as may be allowed by the city council. Said board shall have power, and it shall be the duty of said board to equalize the taxable values of property, real and personal, within the city of Beaumont, and in the exercise of this power, it may raise or lower the valuations at which property may be assessed or rendered for taxes. And it shall further be the duty of said board, if it shall have reason to believe from information gained by its members, from the assessor of taxes or from other sources, that any person residing within the city has failed or refused to render for taxation any personal property owned by him and subject to taxation under the laws of the State, or has refused to give information concerning such property so that the same may be assessed by the assessor of taxes, to have such person brought before it and interrogated under oath as to such property.

And the said board shall have full power to enforce the attendance of all witnesses necessary, and any member thereof shall have the power to administer oaths to such witnesses, and to punish them for failure or refusal to answer any question pertinent to the inquiry. And if the said

board should discover any property not rendered for taxation to the city assessor of taxes, it shall have the power, and it shall be its duty to direct the assessor of taxes to list the same for taxation, in like manner and with like effect as if it had been originally rendered for taxation by the owner thereof. After said board shall have passed upon and equalized the values of property assessed by the assessor originally, and upon suggestion of the board, the board shall give notice that it has made changes in the valuation at which property has been assessed for taxes, and caused additional property to be assessed and valued for taxation, by publication in a daily newspaper published in the city of Beaumont for three successive days, or by mailing the party a written notice thereof. Provided, that a notice shall always be mailed to a property owner residing out of Jefferson county.

Said notice shall be sufficient if it states that the board has held a session and made changes in the assessments and valuations of property affecting certain persons, whose names shall be given without describing the property affected, or stating the nature of the changes made, but referring the persons whose names shall be given to the office of the assessor and collector of taxes for details as to the changes, a record of which shall be left by said board or deposited with said assessor subject to inspection by the public. The notice shall also state that a further session of the board will be held at a place and to begin at a time named in the notice, and continue for a certain number of days or longer, when complaints as to renditions and valuations will be heard, and that such corrections will be made as may be in the opinion of the board just and proper; such session shall commence not earlier than one week after such notice shall have been published; such other notice may be given as the board or city council may prescribe, but the failure to give such other notice shall in no manner affect the validity of the assessment or equalization thereof. And any person who feels himself aggrieved by the action of said board in fixing the values upon his property shall have the right to appeal therefrom to the city council, by giving notice of appeal within five days after values have been so fixed by said board, and the city council shall have the power to hear and determine such questions of appeal and to take such action with reference thereto as to them may seem proper and just, and its action shall be final. The city council shall by ordinance prescribe the rules to govern the said board of equalization and the trials of all appeals therefrom.

SEC. 51. The city council shall have full power and authority to provide by ordinance, for the seizure and sale by the city assessor and collector of a sufficient amount of the personal property of any delinquent taxpayer to pay all taxes due by such delinquent to the city, together with all interest, penalties and costs, which seizure and sale shall be made without the necessity of any writ and by virtue of tax rolls of said city, which shall be sufficient warrant for said purpose, and such sale shall be conducted and notice given in the same manner as now provided by law for sale of personal property by county tax collectors, and at such sale the purchaser shall acquire absolute title to the property sold.

SEC. 52. That the city council shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales by the assessor and collector of property upon which taxes may be unpaid, and to provide for the perpetuation of all proceedings with reference to such

advertisements and sales, and for execution of title to purchasers of property at tax sales, and to pass all ordinances necessary to enforce the collection of taxes; provided, that such ordinances shall not allow any person whose real property has been sold for taxes at least two years from the date of the collector's deed to redeem the same by paying double the amount paid for same; provided further, that any such proceedings so perpetuated shall be received in evidence in any court where the title so conferred by the collector shall be called in question.

SEC. 53. All taxes due the city of Beaumont shall be payable at the office of the city assessor and collector, and may be paid at any time after the tax rolls of the year have been completed and approved, and no demand shall be required to be made upon any taxpayer whose duty it shall be to attend at the collector's office and pay the same as aforesaid. All taxes levied and now uncollected for the year 1898 shall be paid by July the 1st, 1899, or thereafter bear interest at the rate of six per cent. per annum, and all taxes hereafter to be levied for the year 1899 and subsequent years shall be paid by the 31st day of January of the year succeeding the levy, and when not paid by March 1st, shall thereafter bear interest at the rate of six per cent. per annum from January 31st, and in addition the city council may provide by ordinance that there shall be collected an additional ten per centum. upon the amount of such taxes as a penalty against the person, firm or corporation failing, neglecting or refusing to pay such taxes by January 31st, which penalty shall be collected by seizure and sale of the property of the delinquent or by suit, the same as herein provided for the collection of taxes.

SEC. 54. All property of railroad companies of whatever description lying or being within the city of Beaumont on the first day of January of each year, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered for taxation for any year the same shall be assessed and taxes collected thereon in the same manner as herein provided for other unrendered property of previous years.

SEC. 55. The annual assessment of taxes made by the city of Beaumont upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all taxes and penalties due by such delinquent; provided, that the homestead of such delinquent shall only be liable for the taxes due thereon.

SEC. 56. If it comes to the knowledge of the city assessor and collector at any time after the levy of taxes for the year that any personal property subject to taxation in the city is about to be removed from the city, and the owner of such property has no other tangible property in the city sufficient to satisfy all assessments against him, the assessor and collector shall, if said property has not been assessed, proceed at once to assess the same, and he shall thereupon levy upon a sufficiency of such property to satisfy such taxes and all costs, and sell the same as provided in the preceding section, and the ordinance levying taxes for the year and the assessment made upon such property shall be sufficient warrant for so doing, and to vest perfect title in the purchaser.

SEC. 57. All real and personal property in the city of Beaumont upon the first day of January of each year, and subject to taxation by said city, shall stand charged with a special lien in favor of the city for all taxes



levied against the owner thereof during the year, superior to all mortgages and other liens thereon except the lien for State and county taxes, and all persons purchasing the same after the first day of January of any year shall take the same subject to such lien, and the city may intervene in any suit for the foreclosure of any other lien and assert its rights, or may institute an independent suit and make all mortgagees and lienholders and subsequent purchasers parties for the purpose of enforcing its lien or recovering personal judgment for the conversion of the security herein given it for the collection of its taxes, and said city shall be authorized, and it is hereby made the duty of the city assessor and collector to file the proper statement of its taxes in any court of bankruptcy administering the estate of any bankrupt taxpayer.

SEC. 58. The city of Beaumont shall be authorized and is hereby given the right to institute suit in any court of Jefferson county having jurisdiction under the Constitution and laws of the State, at any time after taxes become due and are delinquent, as herein provided, to recover personal judgment for the amount of taxes remaining unpaid by any person, firm or corporation, together with all interest, penalties and costs, and if any part of any such delinquent tax shall be due upon any landed property the city shall have the right in the same or in any subsequent suit to have its lien thereon foreclosed and such property sold, as provided by law in the foreclosure and sale of property under mortgage or other lien; provided, that in all cases where lands are sold the owner shall have the right within two years of the date of sale to redeem his land from the purchaser under such judgment upon the payment of double the amount of money paid for the land, and failing so to do the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption shall constitute part of the judgment and deed made the purchaser in such cases, and need not be inserted therein.

SEC. 59. In all suits for the foreclosure of a lien upon lands or lots by said city, if the defendants or any of them be alleged to reside in any county of the State of Texas, it shall be necessary to serve such person with a copy of the petition, and service of citation shall be made by delivering a copy thereof in the manner provided by law for service of citation upon persons residing in the county where suit is brought, and if the defendants, or any of them, are alleged to be non-residents of the State, or if it be alleged that the residence of such defendant is unknown, or that the owner or owners of said lands or lots are unknown, and the city assessor and collector shall make oath to that effect at the time of the filing of the petition, or at any time subsequent thereto, the clerk of the court shall thereupon issue notice in substantially the following form: "The State of Texas, To the owner or owners and all persons claiming any interest in the lands hereinafter described. You are hereby notified that the city of Beaumont filed suit in the District Court of Jefferson county, Texas (..... District), on the ..... day of ..... A. D. .... No. ...., claiming that taxes, interest and penalties are due it by you upon the following described lands situated in said city, as follows, viz. (here set out description of the land as contained in the petition, and state the aggregate amount claimed against each tract for each year): You are therefore commanded to appear and answer in said court at the next regular term to be held at the court house of said county in the city of Beaumont,

beginning on the..... day of ..... A. D..... and show cause why said judgment shall not be rendered condemning said lands and ordering foreclosure and sale thereof for said taxes, interest, penalties and cost of suit." Which said notice shall be dated and signed by the clerk with the seal of the court as other writs, and shall be delivered to the sheriff and executed by causing the same to be published in some newspaper published in the said city of Beaumont once a week for four successive weeks prior to the return day thereof. Publication of said notice shall be shown by the return of the sheriff or his deputy endorsed or attached thereto, which shall show when the same was executed and the manner thereof, specifying the dates of such publication, and shall be accompanied by a printed copy of such publication, and shall be signed by him officially.

SEC. 60. The suit shall be held in all respects to be a procedure in rem. and the court shall hear proof and enter judgment in favor of the city of Beaumont against each parcel of land for the amount of the tax, interest, penalty and costs legally chargeable against the same, and shall foreclose the lien of the city thereon and condemn the land to be sold as under execution for the purpose of satisfying such judgment; provided, that for the purpose of foreclosing the lien of the city on all lands and lots where the owner or owners thereof are alleged to be unknown, it shall not be necessary to institute a separate suit against each piece of property, and all such property may be embraced in one suit and judgment entered against each parcel, and condemning the same to be sold as aforesaid; and provided further, that in all cases where lands are sold under judgment based upon service by publication, the owner shall have the right within two years from the day of sale to redeem his land from the purchaser under such judgment upon the payment of double the amount of money paid for the land, and failing so to do the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption here given shall contain part of the judgment and deed made the purchaser in such cases, and need not be inserted therein.

SEC. 61. It shall be competent in all cases to supplement the description contained in the assessment rolls with full proof of the identity of lot, tract or parcel of land therein assessed, and in suits to enforce collection of taxes by the city, such additional matters may be inserted in the petition and reference may be made to any map, plat or survey of said city, or of any addition or subdivision made thereto, or to any deed, decree or other instrument describing the same, which may be on file or of record in the General Land Office of Texas, or in the office of the district or county court of Jefferson county, and such reference shall contain part of such petition and proceedings had in said suit.

SEC. 62. When any property, personal or real, is sold to enforce the collection of taxes, the city of Beaumont shall not become the purchaser thereof unless no one else is present who will purchase the same and pay the full amount due the city, including all costs and penalties, and it is here made the duty of the mayor, or the person acting as such, to attend all sales and bid thereat for the city, and upon such sale the officer making the same shall execute to the city or other purchaser proper evidence of title and to place the purchaser in possession, as provided by law. No officer of the city shall ever become the purchaser of such property for himself at such sale, either directly or indirectly.

SEC. 63. All levies of ad valorem taxes heretofore made by the city of Beaumont and all assessments heretofore made, and all assessment rolls heretofore made and placed in the hands of the city assessor and collector for collection, are hereby validated, and the same shall be legal and binding regardless of any irregularity that may exist in the manner of making such levies and the making and returning of such assessment rolls; provided, that this section shall not be construed as an attempt to validate any penalty heretofore imposed or tax levied in excess of the amount which said city could levy under the Constitution.

SEC. 64. Whatever action heretofore taken in placing the control of the free schools and all property pertaining thereto in a board of trustees is hereby confirmed, and all property, real and personal, heretofore acquired and now being administered by said board of trustees in connection with the management of said free schools, is hereby confirmed in said board, and all levies of taxes heretofore made for the support and maintenance of said public free schools in said city, and which remain uncollected, are hereby validated and declared legal and binding upon the persons and property subject to taxation in said city, and the city council shall continue to levy and collect the rate of special taxation adopted, or which may be adopted, by a vote of the people for said purpose and deliver the same to the said board of trustees in accordance with the general laws of the State upon the subject.

SEC. 65. If the city assessor and collector shall discover any property, real or personal, which was subject to taxation for any year heretofore, and which for any cause has escaped taxation, he shall require the same to be listed and assessed according to the rate of taxation levied for the year or years it was omitted, and enter the same as a supplement to his next roll, stating the year, and the taxes thereon shall be collected in the same manner as the other assessments; provided, that such supplement roll may be made at any time and reported to the city council for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed upon such supplemental roll shall be due at once upon approval of such rolls by the city council, and if not paid within sixty days thereafter shall bear interest at the rate of six per cent. per annum, and may be collected by seizure and sale or suit, as herein provided for the collection of other taxes.

SEC. 66. The city assessor shall list all property which for any cause has not been rendered to him for taxation in such form as may be prescribed by ordinance, and place such valuation thereon as he may deem just. If the owners of such property are unknown to the assessor he shall so state, and such assessment shall be sufficient warrant for the collection of the taxes due upon said property by seizure and sale or suit, as herein provided for the collection of taxes on other property.

SEC. 67. All taxes due said city for which action is not instituted within four years from the time they are due and payable, shall be conclusively presumed to have been paid, and no action therefor shall be maintained; provided, that the provisions of this section shall not apply to taxes due up to Jan'y. 1st, 1899, but the collection of the same shall be regulated by the General Laws of the State. No irregularity in the time or manner of making the annual levy of taxes heretofore levied by the city council of said city, and which are unpaid, shall invalidate the taxes, but they are hereby continued in force and may be collected by seizure and

sale of property of the person owning the same, or by suit, as herein provided.

SEC. 68. In all suits for the collection of taxes which have been heretofore or may be hereafter levied, the tax rolls of said city or a certified statement made therefrom by the assessor and collector, shall be prima facie evidence of the truth of all recitations and facts shown by said rolls, and shall be held to be sufficient proof (subject to rebuttal only by pleading and proof by the defendant) in the following facts, viz.:

(1). That the person, firm or corporation therein shown to be a taxpayer was such, and owned the property therein listed, and that such property was subject to taxation in said city, and was rendered by such person, firm or corporation, or by his or its agent at the value placed thereon in such roll.

(2). That the taxes due on such property was duly and legally levied for the purposes shown in such rolls, and that the same are valid and unpaid.

(3). That all facts and proceedings required by law or by the ordinance of said city in the manner of rendering, appraising and fixing of values upon such property, and the giving of all notices to such taxpayers have each and all been performed and complied with at the time, and in the manner and form required, and that all things which might be constructed as conditions precedent to the lawful demands upon such taxpayer to pay the amount of taxes in such rolls shown to be due by him or them have been performed at the time and in the manner required by law. Provided, that in the event the defendant shall show that his property was voluntarily rendered by him and that the valuation of the same was subsequently changed by the assessor or board of equalization without notice to him or his agent, or shall show that the rate of taxation for any such purpose was to any extent illegal, judgment shall thereupon be rendered against him for the proper amount due, based upon the value of his property as rendered by him and the amount of the taxes which is found to be legal.

SEC. 69. All provisions of this charter validating all levies of taxes and assessments of property and making the assessment roll prima facie evidence and prescribing rule of procedure for the collection of taxes by suit or otherwise, shall be held to apply in all suits now pending or which may be brought for the collection of taxes levied for and during the year 1898, and all previous years for which any taxes may remain unpaid.

SEC. 70. All property, real, personal or mixed, made taxable by the laws of the State of Texas, which is situated in the city of Beaumont on the first day of January of each year, and all personal property owned or controlled by persons residing herein and taxable by law at the place where the owner or agent may reside, shall be subject to taxation by said city for all purposes provided in this charter, including the support of the public free schools in said city.

SEC. 71. The city council shall have power to levy and collect an occupation tax on all occupations, callings, business and professions taxed by the State of Texas from time to time, to the amount of one-half of the occupation tax levied by the State, and shall have power by ordinance to provide adequate means and penalties for enforcing collection of the same.

SEC. 72. That the city council shall have power to provide by ordinance

for the assessing and levying of the tax aforesaid, and to determine when taxes shall be paid.

SEC. 73. That no money shall be paid by the city upon any account whatever to any person or corporation who is in arrears to the city for taxes due, and the city council shall have the power to compromise all claims for back taxes.

SEC. 74. The city council shall have power to employ and fix the compensation of agents as it may deem for the best interest of the city; provided, that the compensation of such agents shall not be increased during the time of their employment; and provided further, that the city council may abolish any place created by it, and discharge any person employed by it at any time that it may deem that the best interest of the city requires such action; and the city shall not be liable for the salaries of such persons after the place to which he has been elected has been abolished, or he has been discharged by the city council.

SEC. 75. That the city council shall have power by ordinance to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease. To co-operate with the commissioners' court of Jefferson county in making such improvements connected with the city and county as may be deemed by the city council and commissioners' court necessary to improve the public health and to promote efficient sanitary regulation, and by mutual agreement they may provide for the construction of such improvements, and the payment therefor.

To provide for the erection of all needful buildings for the use of the city within its limits, and to determine when it is necessary to acquire property, or the use thereof, by the power of eminent domain for all purposes for which the city may lawfully exercise such power. To license and regulate auctioneers, grocers, merchants, retailers, hotels and boarding houses and bakeries, and to license and regulate or suppress ordinaries, hawkers, peddlers, brokers and money changers. To license and regulate theatrical and other exhibition shows and amusements. To license and regulate billiard tables, bowling alleys, restaurants, drinking houses and saloons, and all places or establishments where intoxicating or fermented liquors are sold, and to regulate their location and to restrain and suppress street beggars, disorderly houses, lotteries and all fraudulent devices and practices. To regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards, with the power to remove and keep away from the vicinity of any fire any suspicious person lurking near the same, and to compel any person or persons present to aid in the extinguishing the fire, or in the preservation of property exposed to the same, and to prevent goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance. To compel the owners of houses and other buildings to have scuttles upon the roof of any such building or houses, and stairs and ladders leading to the same. To create a board of fire commissioners. To regulate and prescribe the manner of building partition and parapet walls, and of partition fences. To provide for the inspection of lumber, the measurement thereof, and other building materials. To provide for the inspection and weight of hay, the measure of charcoal and other fuel to be used in the city. To provide for the taking

of an enumeration of the inhabitants of the city. To provide for the removal from office any person holding an office created by this act, or by ordinance, when not otherwise provided for. To fix the compensation and regulate the fees of all jurors and witnesses; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriating of such fines and forfeitures, and the enforcement of such penalties; provided, that no penalty shall exceed a fine of two hundred dollars, or imprisonment exceeding fifteen days for any one offense, or both. To prevent and restrain any riot, disturbance or disorderly assembly in any street, house or place in the city. To use, regulate, improve, grade and control all grounds owned by the city within its limits. To regulate the size, number and manner of construction of doors and stairways of theaters, tenement houses, audience rooms, public halls and all buildings used for the gathering of large numbers of people, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exits in case of fire. To authorize one or more officers, agents or employes of the city to enter into and open all buildings and premises for the purpose of examining and discovering whether or not the same are dangerous on account of fire or in an unclean state, and to cause the defect to be remedied and filth and trash to be removed; and generally the council shall have the power to establish such regulations for the prevention and extinguishment of fires as it may deem expedient. To prevent all boxing matches, sparring exhibitions, cock fighting and dog fighting, and punish all persons making such exhibitions. To require the owners of private drains, sinks and privies to fill up, clean, drain, relay, alter, repair, fix and improve the same as they may be ordered by resolution or ordinance, so as to prevent the same being or becoming nuisances, and to impose penalties on persons not doing the same; and if there be no person in the city upon whom such order can be served, the city can have the work done, and the cost of the same shall be a lien on the property, taxed up against and collected in such manner as the city council may direct. The mayor shall have power to solemnize marriages and to administer oaths of office.

SEC. 76. That the city council shall have power, subject to the restrictions herein contained to make all ordinances which may be necessary and proper for carrying into effect the powers specified herein.

SEC. 77. That all ordinances of the city of Beaumont, and rules and regulations of the city council and other departments of the city, which shall be in force when this act takes effect, and which are not in conflict with the same, shall remain in full force and effect until amended, altered or replaced by the city council.

SEC. 78. That all members of the city council and other officers of the city shall continue in office until the first election after this act takes effect and their successors are elected and qualified, as provided for in this act, and until such time shall receive such compensation as the city council may direct.

SEC. 79. That no money shall be paid out of the city treasury except by warrant, signed by the mayor and attested by the city secretary.

SEC. 80. That the inhabitants of the city of Beaumont are hereby exempted from working on public roads beyond the city limits.

SEC. 81. That the city council may by ordinance require all able-

bodied male persons between the age of twenty-one and forty-five years, except those exempted by the General Laws of the State, to work upon the streets of the city for not exceeding five days in each year, or pay to the proper authorities the sum of \$1.00 for each day they are so summoned to work, and in case of failure to respond to the summons and so work, or pay said sum, on conviction in the mayor's or recorder's court of the city, be fined in any sum not to exceed \$10.00.

SEC. 82. That the ordinances, resolutions and by-laws of the city council may be proved *prima facie* by a book of printed ordinances of the city appearing to be printed by the authority of the city, or by copies of ordinances certified by the city secretary to be true copies of such ordinances or by the recorder thereof.

SEC. 83. That the city of Beaumont may institute and prosecute suits without giving security for costs, and may appeal from judgments without giving supersedeas or cost bond.

SEC. 84. The board of trustees of the public free schools of the city of Beaumont now acting under appointment heretofore made shall continue in office until their successors are appointed or elected and shall qualify, and the said board of trustees shall continue to manage and control the public free schools of the city of Beaumont in accordance with the General Laws applicable to the cities which have acquired exclusive control of the public free schools within their limits.

SEC. 85. Nothing herein contained shall ever be construed to in any manner suspend, modify or abridge any penal laws of this State, but the penal laws of this State shall ever be in full force and effect, and in no manner repealed or suspended by any provisions of this act, but the council may enact any ordinance within the limitations herein prescribed, not in conflict with the penal laws of this State.

SEC. 86. That the jurisdiction and powers conferred on the city of Beaumont by this act shall supersede the authority of each and all other municipal corporations heretofore existing over any part of the territory included within the boundaries of the city of Beaumont prescribed by this act.

SEC. 87. That this act is declared a public act and may be read in evidence in all courts of law and equity in this State, without proof.

SEC. 88. That all laws and parts of laws that are in conflict with this act be and the same are hereby repealed.

SEC. 89. That any official or other bond required or permitted under this act may be made with any surety or guaranty company authorized to do business in this State, acting as surety.

SEC. 90. The fact of the increased population and the urgent demand for public improvements, which can not be accomplished with its present low rate of taxation, creates an imperative public necessity and emergency requiring the suspension of the constitutional rule which provides that bills shall be read on three several days, which said rule is accordingly suspended, and it is therefore enacted that this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 1; and was reported to the House, where it was amended and passed by a two-thirds vote, yeas 88,

nays 6, and was reported back to the Senate; Senate concurred in House amendments by a two-thirds vote, yeas 24, nays 0.]

Approved May 12, 1899.

Became effective May 12, 1899.

## WACO—AMENDMENT TO ITS CHARTER.

H. B. No. 538.]

### CHAPTER XIII.

An Act to amend an act to be entitled An Act to incorporate the city of Waco, and to define its boundaries and powers, approved February 19th, 1899.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 1 of the above recited act be, and the same is hereby amended so that the same shall hereafter read as follows:

Section 1. That all that district of county contained within the following limits be, and the same is hereby created into a city, to be known and styled as the City of Waco, towit: in McLennan county:

Beginning at the intersection of the south bank of Waco creek with the west bank of the Brazos river; thence with the said Hood east line south twenty-eight degrees east to the northwest line of Elm street; thence south seventy-four degrees east to the west corner of the East Waco cemetery; thence south twenty-eight degrees east with east line of said cemetery to the north line of the right-of-way of the St. Louis Southwestern railroad; thence north fifty-five degrees east with the north line of said right-of-way one hundred and twenty-five feet; thence south twenty-eight degrees east, crossing said St. Louis Southwestern railroad and the Missouri, Kansas & Texas railroad, and along the east line of the R. G. Wright ten acre tract of land to the north line of League avenue, as set out in subdivision of fractions E and F of the Thomas De La Vega eleven league grant, as recorded on page seventeen, volume one hundred and eleven of McLennan county deed records; thence south sixty-two degrees west, with the north line of League avenue to the west line of De La Vega street of said subdivision; thence south thirty degrees east with west line of said De La Vega street to the north line of Calhoun street, in Riverside addition at Waco; thence south forty-five degrees west with north line of said Calhoun street to the east bank of the Brazos river; thence down the east bank of the Brazos river with its meanders to a point opposite south bank of Waco creek; thence south forty-five degrees west to the place of beginning.

SEC. 2. That this act shall take effect from and after its passage, and all laws in conflict herewith are hereby repealed. It being important that the city of Waco should immediately have the benefit conferred by this act, in order to extend its authority over the territory added to its corporate limits, an emergency is created that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 87, nays 1; and was referred to the Senate, where it was amended and passed by vote of yeas



20, days 1, and reported back to the House; House concurred in Senate amendment, no vote given.]

Approved May 12, 1899.

## CHAPPELL HILL FEMALE COLLEGE—INCORPORATING.

S. B. No. 337.]

### CHAPTER XIV.

An Act to consolidate Soule University of Chappell Hill, Washington county, Texas, and Chappell Hill Female College of the same place, under the name of Chappell Hill Female College, and to incorporate Chappell Hill Female College, and defining its powers and duties, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Soule University of Chappell Hill, Washington county, Texas, and Chappell Hill Female College, of the same place, be and the same are hereby consolidated and incorporated under the name and title of Chappell Hill Female College.

SEC. 2. That the said Chappell Hill Female College shall be located at Chappell Hill, Washington county, Texas, and so incorporated shall exist for the term of fifty years.

SEC. 3. That said Chappell Hill Female College shall have the right to own property in its corporate name and capacity, and to dispose of the same when necessary, through its board of trustees.

SEC. 4. That said Chappell Hill Female College shall be under the control of a board of twenty trustees, who shall have the right to manage and control said college and the property belonging to the same.

SEC. 5. The following persons are appointed trustees of said Chappell Hill Female College, to-wit:

T. A. Mercer, Rev. J. B. Sears, Rev. J. B. Cochran, D. N. Harris, John A. Routt, R. K. Felder, L. F. Smith, J. E. Routt, J. M. Nicholson, Rev. E. W. Tarrant, Rev. J. W. Horn, Rev. C. H. Brooks, Rev. H. M. Haynie, Rev. J. C. Mickle, H. C. Brandt, J. D. Campbell, A. W. Taland, Rev. E. W. Solomon, Rev. G. S. Sandell and C. H. Cocke, who shall have the right to elect one of their number president, one secretary, and one treasurer.

SEC. 6. That in the event of a vacancy in said board of trustees the said board shall fill such vacancy, subject to the approval of the Texas Conference of the Methodist Episcopal Church, South, at its annual session, and the term of office of such trustees shall be fixed by said Texas Conference.

SEC. 7. That the property now owned by the Soule University and by Chappell Hill Female College, shall pass to and become the property of the Chappell Hill Female College, which is by this act duly incorporated; and with all the rights, powers, duties, liabilities and benefits accrued to and to accrue to said Chappell Hill Female College under Title 21, Chapter two, of the Revised Statutes of the State of Texas, relating to the support of and maintenance of educational undertakings.

SEC. 8. The near approach of the close of the present session of the Legislature, and the importance of the matters herein to the institutions named, and to the cause of education of young ladies, create an emergency and an imperative public necessity that the constitutional rule requiring

bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 87, nays 0.]

Approved May 17, 1899.

Became effective May 17, 1899.

### GALVESTON—AMENDMENT TO ITS CHARTER.

H. B. No. 783.]

#### CHAPTER XV.

An Act to amend Title 2, Article 3, Section 5, of the charter of the city of Galveston.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Title 2, Article 3, Section 5, of the charter of the city of Galveston be and the same is hereby amended so as to hereafter read as follows:

Title 2, Article 3, Section 5. At the biennial election provided for in this charter there shall be elected by the qualified voters of the city at large, voting by ballot, a mayor, who shall hold his office for two years from the date of said election, and until his successor shall be elected and qualified. And at the same time there shall be elected an alderman from each ward of the city by the qualified voters of such ward, who shall hold his office for two years from the date of said election, and until his successor shall be elected and qualified; provided, no one shall vote for the election of alderman at any such election unless he shall have been a resident of such city for six months immediately preceding the election in which such voter offers to vote; provided further, that the person so elected shall be and remain a resident of the ward which he is elected to represent, and if he shall remove from the ward during the term of his office the same shall be declared vacated. The person receiving the highest number of votes in the whole city for mayor shall be declared elected, and the person receiving the highest number of votes cast for alderman in their respective wards shall be declared elected. In case the person elected mayor shall refuse to accept the office, the city council, mayor, or acting mayor shall order another election; and in case of a vacancy in the office of mayor by death, resignation, removal or otherwise, it shall be filled for the remainder of the term by a new election, to be ordered by the city council or acting mayor; and in case of vacancy of the office of alderman, by refusal to accept, or to qualify, or by death, resignation, removal or otherwise, the city council, mayor or acting mayor shall order a new election to fill the residue of the unexpired term; and all special elections shall be conducted in the same manner as is herein provided for the biennial election; provided, that in special elections five days' notice thereof shall be sufficient; provided, that the election herein provided for shall be held in accordance with the Australian ballot law, and after at least twenty days' notice of the holding of such elections.

SEC. 2. The provisions of this act shall not go into effect until submitted to a vote of the qualified voters of the city of Galveston, in an

election to be ordered for that purpose by the city council of said city. If at such election a majority of the qualified voters voting thereat shall be in favor of adopting the provisions of this act, then the method of electing aldermen in said city shall thereafter be as herein provided.

SEC. 3. The near approach of the end of the session, and the further fact that under the charter of the city of Galveston there will be held the regular biennial election for mayor and aldermen on the first Monday in June next, and the desirability of having election of alderman by wards, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 91, nays 0, and was reported to the Senate, where the same was amended and passed by a two-thirds vote, yeas 21, nays 0, and reported back to the House; House concurred in Senate amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-third day of May, A. D. 1899, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him, and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

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## HOUSTON—AMENDMENT TO ITS CHARTER.

S. B. No. 268.]

### CHAPTER XVI.

An Act to amend Sections two (2), six (6), ten (10) and fourteen (14), of the Special Laws of the Twenty-fifth Legislature, entitled "An Act to provide a charter for the city of Houston, Harris county, Texas," and to add to said act Section 41a, to provide for the extension of the corporate limits, for purposes of improving Buffalo Bayou, and providing that the land embraced in said extension shall not be subject to taxation by said city.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Sections two (2), six (6), ten (10) and fourteen (14), of the act entitled "An Act to provide a charter for the city of Houston, Harris county, Texas," passed by the Twenty-fifth Legislature, be amended, and Section 41a added thereto, so that said amended sections and said added section shall read as follows:

Section 2. That the bounds and limits of said corporation shall be three miles square, and shall embrace the territory contained in the following metes and bounds, to wit:

#### SOUTH BOUNDARY LINE.

Beginning at a corner A. Whitaker's tract, out of lot No. 22, in the Obedience Smith survey, for southwest corner, a stone monument marked "S. W. C.," distance one hundred (100) feet north of the south line, and

ten thousand and seven (10,007) feet west of the east line of said lot No. 22, in said survey. Thence due east fifteen thousand eight hundred and forty (15,840) feet to a corner, a stone monument, marked S. E. C., for southeast corner of this survey, said corner being situated in lot No. 12, in the east tier of lots in Settegast's addition, out of lot No. (59) fifty-nine in the S. M. Williams survey.

#### EAST BOUNDARY LINE.

Beginning at the southeast corner monument as above described; thence due north fifteen thousand eight hundred forty (15,840) feet, to a corner, a stone monument, marked "N. E. C.," for the northeast corner of this survey, said corner being situated in lot No. (6) six, block No. (7) seven, Staples and McLelland's addition, and is distance fifteen (15) feet east of the east line of Staples street and (33) thirty-three feet north of the north line of Sewell street.

#### NORTH BOUNDARY LINE.

Beginning at the northeast corner monument as above described; thence due west fifteen thousand eight hundred forty (15,840) feet to a corner, a stone monument, marked N. W. C., for the northwest corner of this survey. Said monument being situated one hundred fifty (150) feet west of the west line of Mrs. Klunker's tract, out of the John Austin two league grant, and fifteen (15) feet north of the prolongation of Mrs. Klunker's south line.

#### WEST BOUNDARY LINE.

Beginning at the northwest corner monument as above described; thence due south fifteen thousand eight hundred forty (15,840) feet, to a corner, said corner being the southwest corner of this survey, and place of beginning.

Provided, that should any property lying beyond the city limits be platted into blocks and lots after the passage of this act, then, and in that event, the owners of said property shall lay the same off to conform to the streets and blocks abutting on the same, and shall file with the city engineer a correct map of the same; and provided further, that in no case shall the city of Houston be required to pay for any of the said streets, at whatever date opened, but when opened, by reason of the platting of the property, at whatever date platted, shall become, by such act, the property of the city of Houston, for use as public highways, and shall be cared for as such.

Any territory adjoining the present or future boundaries of said city may, from time to time, be admitted and become a part thereof, upon application and written consent given to the city council by the owner or owners of said land, or as the case may be, by a majority vote of the legal voters resident on the land sought to be added. In all such cases the territory so added shall be described by metes and bounds in an ordinance accepting, assenting and adding the same to the municipal corporation.

Section 6. That there shall be elected by the qualified voters of the city a mayor, two aldermen from among the qualified voters of each ward, a city treasurer, an assessor and collector of taxes, a chief of police, a city

attorney, a city recorder, and a health officer and a street commissioner, who shall hold their respective offices for two years, and until their successors are elected and qualified, unless sooner removed by the city council; provided, that the present officers of said city shall hold their offices until the next election of city officers, which shall be held on the first Monday in April.

Section 10. The regular meetings of the city council shall be held in the council chamber, as often as may be determined by the city council, not to exceed four meetings per month, beginning at such an hour as may be fixed by the said council, and the mayor, of his own motion, may call special meetings for the transaction of special business, by causing the city secretary to serve a written notice on each alderman, or leaving the same at the residence or usual place of business of each. Any three members of the council may, in like manner, call special meetings of the council, but no special meeting shall be called except in case of urgent necessity, and the notices served on the aldermen shall state the purposes for which the meeting is called. General business only shall be transacted at the regular meetings, but the council may adjourn from day to day until the business properly coming before it is disposed of.

A majority of the whole number of aldermen elected and qualified shall be required to constitute a quorum; but any four aldermen may convene and compel the attendance of members, on any day of regular meeting, requiring the chief of police or any officer to bring in the absent members; and the council shall adopt proper rules and regulations for the government of its proceedings.

The council shall be the judge of the qualification and election of its members, including the mayor; may punish members or other persons for disorderly conduct during the sittings of the council, to the extent that it may fine and imprison by its ordinances and rules of order; and with the affirmative vote of two-thirds of the whole number of aldermen elected and qualified, may remove any officer of the city, for any conduct or offense which, in the opinion of the council, shall render him unfit to hold his office; but no officer shall be removed until he shall have the opportunity of being heard by himself or by counsel, or by both, and in the investigation of any complaint under this section, the council may subpoena and examine witnesses, under the rules for taking testimony.

The meetings of the council shall be held with open doors, except when by a vote of two-thirds of the members present it may be deemed expedient, upon a special question, to deliberate with closed doors.

At the first meeting of the council after the newly elected members shall have been qualified, after every election, a mayor pro tem. shall be selected by ballot from among the aldermen, who shall, in the absence or disability of the mayor, preside at meetings of the council, and who, in case of absence or disability of the mayor, shall exercise all the functions of that office until the return of the mayor, or until such disability be removed.

In case of a vacancy in any elective office, from whatever reason, the council, upon nomination by the mayor, shall fill the vacancy by the selection of some person by a vote of a majority of the aldermen elected and qualified, except in case of a vacancy in the office of mayor, from whatever cause, when the mayor pro tem. shall order an election by the people to be held within thirty days of the time when the vacancy occurred to fill the same, and in the interval the mayor pro tem. shall act as mayor.

It shall be the duty of the city council, at its first meeting in February each and every year, to appropriate such sums of money respectively, for each of the various departments of the city government as said city council shall deem necessary for the proper maintenance of the same during the current year. Such current year shall be deemed to begin the first day of January previous to such meeting, and to end on the thirty-first of December next thereafter. Said council, at said meeting, shall accordingly appropriate a certain sum of money for the use of each of the following departments of said city government, to-wit: public school department, police department, fire department, street and bridge department, public health department, salaries of officials, not included in the appropriations for the foregoing departments, public lights, water works, coupon interest and sinking fund, and such other departments as it may be deemed proper to mention, together with an appropriation for the sum deemed necessary for a contingent fund, and to cover all miscellaneous expenses not mentioned under the head of any special department; and it shall be the duty of the city secretary to keep a separate account with each of such departments, and he shall be prepared at every regular meeting of the city council to give information as to the amount expended, and balance remaining to the credit of any department, and no draft shall be drawn upon or paid by the city treasurer unless the same shows on its face to which of said departments the sum of money named in the same should be charged; provided, that nothing herein contained shall prevent the issue of certificates of indebtedness against any one of the departments, should there at any time be no funds to its credit.

Section 14. That the chief of the police shall be the chief police officer of the city, under the mayor. He shall, in person, or by some officer of the police force, attend all regular and special meetings of the council. He shall attend upon the recorder's court, and shall promptly execute and return all process issued from said court. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of the city. He shall arrest all offenders against the ordinances of the city for offenses committed in his presence or upon information or demand of any reliable persons, and shall have authority to take bail for their appearance before the recorder, and in default of giving which bail, he shall commit them to the city prison for safe keeping until they can be brought before the recorder for trial, and shall receive a fee of one dollar (\$1.00) in every case of violation of city ordinances where there has been a conviction of the same, and the defendant has paid his fine and costs, said fee to be paid out of the costs so collected, and also the salary allowed him by the city of Houston, and the commissions and fees for the impounding of stock found running in the stock limits, as prescribed by the ordinances of the city of Houston; and it shall be the duty of the chief of police, and all members of the police force, to file in the recorder's court all complaints against persons arrested by them for the commission of offenses of which the recorder's court and justice courts have concurrent jurisdiction. He shall have authority to appoint one deputy, who shall be confirmed by the city council, for whose acts and conduct he shall be responsible, and such deputy shall have all the power and authority of the chief of police. He shall perform such other duties, and shall be invested with such other powers, rights, and authority as the city council may by ordinance confer, not inconsistent with the Constitution and laws of this State. He shall

be, at all times, under the direction and control of the mayor and city council, and may be by them suspended or removed from office for cause deemed by them adequate. He shall not absent himself from the city without first obtaining from the mayor or city council, a leave of absence, which shall state the duration of his absence. He shall suggest to the mayor for confirmation by the city council, two proper persons, one for day clerk and one for night clerk at the police station, who shall be empowered to issue warrants, when the recorder is not present, and in so doing shall administer the necessary oaths for the arrest of any person charged with crime; and the chief of police shall, also, suggest to the mayor proper persons for members of the police force of the city of Houston, of which force he shall have direct control, under the direction of the ordinances of the city of Houston.

Section 41a. Power is hereby given the city council of the city of Houston to secure lands between Houston and Harrisburg, by purchase, condemnation or otherwise, for the improvement of Buffalo Bayou by the United States, and for this purpose it may extend the corporate limits of said city from its present eastern limits, eastwardly in a general direction with said Buffalo Bayou, from bank to bank, as same is now constructed or exists, or same may be ordered constructed, by the government engineers in charge of said work; provided, that the city shall have no right to tax the property over which such boundaries are so extended. To effect a condemnation under this section the same proceedings shall be taken and the same statutes govern (as far as applicable) as now apply to condemnation of lands by railways.

SEC. 2. The fact that the city of Houston is now without any authority to provide for the extension of the corporate limits of the said city of Houston for the purpose of improving Buffalo Bayou, and the present crowded condition of the calendar, together with the near approach of the end of the present session of the Twenty-sixth Legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, and was reported to the House of Representatives, where it was amended and passed, and reported back to the Senate; Senate concurred in House amendments, no vote given in either instance.]

Approved May 25, 1899.

Takes effect 90 days after adjournment.

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## HOUSTON—AMENDMENT TO ITS CHARTER.

S. B. No. 827.]

CHAPTER. XVII.

An Act to amend Section 40, of an act entitled "An Act to provide a charter for the city of Houston, Harris county, Texas," the same being Chapter 7 of the Special Acts of the Regular Session of the Twenty-fifth Legislature, and to add thereto Section 40a, authorizing the creation of the office of boiler inspector; and Section 40b, empowering the city council to provide for the refunding money heretofore paid for paving assessments under the front foot rule heretofore existing, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 40, of an act entitled "An Act to provide a charter for the city of Houston, Harris county, Texas, the same being Chapter 7, of the Special Acts of the Regular Session of the Twenty-fifth Legislature be so amended as to hereafter read as follows, and that Section 40a, and 40b, be added thereto:

Section 40. The city council may continue annually to levy and provide for the assessment and collection of the special tax provided by ordinance, passed by the city council of said city on the second day of June, A. D. 1888, and for the purpose of paying the interest and principal of the various outstanding bonds, issued by the city of Houston, and may, by ordinance, levy and provide for the assessment and collection annually, upon all property, real and personal, in the city of Houston, not exempt from taxation such additional tax, not exceeding one and one-half per cent. ad valorem, as the interest of the city may require for other purposes; provided, that if the council should fail or neglect to pass a tax ordinance for any one year, levying the taxes for that year, that the tax ordinance last passed will be considered in force, and the failure to pass such ordinance shall in no wise invalidate the collection of the tax. It may, also, determine when taxes shall be paid by corporations or by individual corporators, and levy, assess and collect upon each male citizen of the city, over the age of twenty-one, an annual poll tax of one dollar.

All taxes upon real estate shall be a lien and charge upon the property upon which the taxes are due, which lien may be foreclosed, and the tax collected by suit in any court having jurisdiction. All taxes not paid within the time prescribed by the ordinances shall bear interest at the rate of six per cent. per annum. All real and personal property held, owned or situated in the city of Houston shall be liable for all taxes due by the owners thereof, including taxes on real estate, personal property and poll tax. All personal property may be levied upon, seized and sold, by the assessor and collector for any taxes that may be due, without further warrant of authority than the production of his tax roll, which sale, when made, shall convey a perfect title to the purchaser thereof, or the amount of the tax may be sued for in any court having jurisdiction, and a personal judgment may be recovered against the delinquent taxpayer, or against any person to whom the personal property on which the city tax is due has been sold, or who owns, holds or claims possession of said personal property; provided, that no sale shall be made for taxes which have been due for four years or more before said seizure is made. It shall be the duty of every person owning or holding property in the city of



Houston to render, under oath, to the assessor and collector of taxes, at his office in said city annually, within the time prescribed by the ordinances of said city, a full and complete inventory of all property so owned or held by him, whether real or personal, and to take and subscribe an oath to the correctness of such inventory, which oath may be administered by the assessor and collector in person or by deputy. All property, real, personal or mixed, except such as may be hereinafter expressly exempted, is subject to taxation, and the same shall be rendered and listed in the manner prescribed by the General Laws in regard to general State taxation, when applicable. The definition of property and terms, as defined by the General Laws under the head of "taxation," and what is subject to taxation as prescribed by the General Laws of this State, shall apply to taxation of this city.

All taxes shall be payable at the office of the assessor and collector, and no demand by him be requisite or necessary to enforce the collection thereof by any proceedings herein prescribed, nor for any taxes due before the passage of this act. The assessor and collector shall inventory and assess all property which the owner thereof may fail or refuse, or may have failed or refused to inventory and assess for previous years, which inventory and assessment when so made by him, shall be as valid and effective as if made by the owners thereof. When the description of any property on the assessment sheets or tax rolls is vague and indefinite, the city may show by evidence other than the assessment and tax rolls where the property is located, and on what property the tax is due, what parties own the property, and that the taxes on the same are due and unpaid, and enforce and foreclose the tax lien on such property; provided, said taxes for which said lien is sought to be foreclosed shall not have been due four years or more before such proceedings to foreclose are begun. The city council may, and shall have full power, to provide by ordinance for the prompt collection of all taxes levied, assessed and due, or becoming due to said city, and to that end may and shall deem necessary to the levying, laying, imposing, assessing and collecting of any of said taxes, and to regulate the mode and manner of making out tax lists and inventories and the appraisalment of property thereon, and to prescribe the oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered, and to fix the duties and define the powers of the assessor and collector of taxes.

All taxes due by property owners on any and all property for the year 1875, up to and including the year 1896, and for all years to come until otherwise provided by charter, as appears upon the tax rolls of said city may be collected by suit from delinquents and foreclosures of the lien thereon in any court having jurisdiction of the same, and any person who shall purchase property encumbered with lien for taxes shall be deemed as to such taxes a delinquent taxpayer, and such purchaser takes the property charged with a lien, and he can not interpose any defense which his vendor might not have interposed had he continued to be the owner, provided that the plea of limitation of four years may be plead in any case as hereinafter provided.

The tax levied by the city is hereby declared to be a lien, charge and encumbrance on the property on which the tax is due, which lien, charge and encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction of the same, and the lien, charge and encumbrance on

the property in favor of the city for the amount of the taxes due on such property in favor of the city for the amount of the taxes due on such property is such as to give the State courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State, or whose residence is unknown, and against the unknown heirs of any person who own the property on which the tax is due.

The city of Houston has the right to maintain a suit to recover a personal judgment for the amount of the tax due it, and the tax may be collected by sale of the particular property on which it is assessed by enforcing the lien, or by the sale of that or other property under a judgment of the court, or by seizure and sale of personal property; provided, that when any action is instituted to recover taxes all the taxes due by any person upon any piece, lot or parcel of property shall be embraced in one suit wherever the same is legal and practicable, and where the same is legal and practicable, and where the same can be done and is not done, all taxes for years antecedent to those for which the taxes are alleged to be due shall be conclusively presumed to have been paid, and where two or more actions are brought, where all the taxes due might legally have been embraced in one action the court shall on motion of the defendant, or of its own motion consolidate said actions, and where same is done costs shall be paid as in only one action.

For the taxes due on any property for any and all years from the year 1875, up to and including the year 1896, and for all years to come until otherwise provided by charter, either the tax rolls or a statement of the taxes due on any property made from said rolls certified to and signed by the city assessor and collector of taxes of the city of Houston, shall be prima facie evidence that the tax on the property is due; and that the facts stated therein are true, and that all the prerequisites required by law pertaining to the levying and assessing of taxes on property on which the suit is brought for the taxes due have been complied with. In addition to the tax rolls and the certified statement made from the said roll being prima facie evidence, as above stipulated for the years 1890, 1891, 1892, 1893 and 1894, the deed executed by the sales made by him during said years of property for taxes in accordance with the provisions of the charter of the city in force during the last named years, shall also be prima facie evidence that the tax on the property is due and unpaid; that the facts stated in said deed are true, and that all the requirements of the law have been complied with; provided, that this shall in no wise be so construed as to prohibit the plea of the statutes of limitation as hereinafter provided.

Any delinquent taxpayer shall have the right to plead in any court and to rely upon the statutes of limitation for four years in any suit for taxes alleged to be due the city of Houston, whether said suit has been heretofore or may hereafter be brought, and in no case wherein such limitation is plead and the taxes sued for or any part thereof are shown to have been due and payable for four years or more before said suit was instituted, shall judgment be rendered for such taxes so shown to have been due for more than four years. In suits for taxes, the proper person shall be made parties defendant in such suit, and shall be served with process and other proceedings had therein as provided by law for suits of like character in the districts of this State; and in case of foreclosure, an order of sale shall issue and the land be sold thereunder as in other cases of foreclosure,

which order of sale shall have all the force and effect of a writ of possession between the parties to the suit, and any person claiming under the defendant by any right acquired after the filing of the suit, and the sheriff or other officer executing such order of sale shall proceed by virtue of the same, to place the purchaser of the property sold under such order of sale in possession thereof within two years, as provided by the General Laws of Texas, after date of sale, but not before, and such order of sale may direct that the sheriff or other officer executing such order of sale, shall sell the property, either each piece separately, as under execution or in gross as the city, through its attorney may direct, and if the defendant or his attorney shall at any time before the sale file with the sheriff or any other officer in whose hands any such order of sale shall be placed, a written request that the property described therein shall be divided and sold in less tract than the whole, together with a description of said subdivisions, then such officer shall sell the land in said subdivisions as the defendant may request, and in such case shall only sell as many subdivisions, as near as may be, as will satisfy judgment, interest, court cost, and other costs, hereinafter specified. In all cases in which lands have been sold or may be sold for default in the payment of taxes, it shall be lawful for the sheriff selling the same, or any of his successors in office to make a deed, or deed to the purchaser, or to any other person to whom the purchaser may direct the deed to be made, and such deed shall be held in a court of law or equity in this State to vest a good and perfect title to the purchaser thereof.

The city attorney shall represent the city in all suits against delinquent taxpayers. In any and all suits by the city of Houston for the collection of taxes due it, the city attorney shall be entitled to a fee of five per cent. of the amount of the tax, which five per cent. shall be taxed as costs against the property on which the tax is due, and in case after suit has been filed shall a receipt for taxes be given on the property in suit until after the payment of the five per cent. attorney's fees as above stated, the costs of the city assessor and collector as hereinafter stated, and all court costs when judgment has been taxed for taxes due on property in suit, the five per cent. attorney's fees, and other costs above named shall be taxed as costs against the property to be sold under judgment for taxes, and paid out of the proceeds of the sale of the same, together with the taxes and interest due thereon to the city. If the purchaser, at any sale had under proceedings had to foreclose a tax lien on property sold in the city of Houston for non-payment of taxes, shall fail to require a valid title to the property so purchased by him by reason of any irregularity or defect in the assessment or levy, or for any other reason whatsoever, whether of a jurisdictional character or otherwise, such purchaser shall nevertheless have a lien on the property so purchased for the taxes which have been due on the assessment of taxes at any time before such taxes shall become due, the same as if all proceedings in reference thereto had been legal and regular, together with all costs connected therewith for all taxes by him subsequently paid on such property with interest on all of such sums at the rate of six per cent. per annum, and he shall be entitled to judgment for such amounts and for the enforcement of the lien against the owner of said property in the same action wherein the invalidity of said sale is declared void, together with his costs incurred in such action. In no case shall the city council, or any member of the city council, or officer of the

city remit, discount, or compromise any tax legally due the city. The city shall have equal right to become the purchaser at all sales of property under judgment or otherwise for taxes due it. All taxes shall be due and payable the first day of July of each and every year, and if not paid by the first day of January thereafter, the same shall bear interest from the said first day of January until paid, at the rate of six per cent. per annum. It shall be the duty of all persons from whom such taxes are due to call and pay the same to the city assessor and collector of taxes at his office in the city of Houston, between the said first day of July and the first day of January next thereafter. Immediately after the first day of January in every year it shall be the duty of the assessor and collector of taxes to prepare a roll, containing a description of all the property described in the assessment rolls of the next preceding year, that is to say, of the year ending on the next preceding 31st day of December on which the taxes have not been paid. Said roll shall be called the "Delinquent Roll," and shall consist of so much of said roll as will identify the property and show the amount of tax due on the same. The city council shall not have the power or authority to extend the time for the payment of taxes or in any manner delay the assessor and collector of taxes in the preparation of the "Delinquent Roll."

During the time that the city collector and assessor shall prepare the "Delinquent Roll" above described, he shall prepare separate statements of tax account due the city, to be furnished the city attorney on which to bring suits, which statement shall contain the description of the property, the year for which the tax is due, the amount of the tax due, the rate of taxation and the person or persons, estate, firm or corporation, who assesses the same, or whether the property is rendered or unrendered, or owner is unknown, as appears on the tax roll, which statement the city assessor and collector shall certify to be correct, and which shall be prima facie evidence of the statements made therein, and all the requirements of the law have been complied with, and the city assessor and collector shall be entitled to one dollar on each statement so made, which shall be taxed against the delinquent taxpayer on the property on which the tax is due, and in case of suit to be taxed as a charge against the property, and the assessor and collector shall be entitled to refuse to issue any receipt to any delinquent taxpayer until said one dollar has been paid; provided, that where several tracts of land and different kinds of property are assessed by the same person, firm, estate or corporation, that they shall be contained in the same statement; which said "Delinquent Roll" shall be finished and said statements furnished not later than the last day of February of each year. Said "Delinquent Rolls" shall be published during the month of March following, for ten days in some daily paper published in the city of Houston, and the assessor and collector shall also be entitled to two dollars for advertising each tract of land separately assessed, which shall be taxed as a charge against the property on which the tax is due, and the assessor and collector shall be entitled to refuse to issue any receipt to any delinquent taxpayer until this cost of advertising has been paid, and a failure to comply with these provisions by the city assessor and collector of taxes shall be deemed a malfeasance and be cause for impeachment. Upon receipt of above tax statements by the city attorney, he shall as soon as possible institute suit in the proper court to enforce the collection of taxes due the city, and shall file suit on all of said statements

furnished him by the city assessor and collector of taxes, by the next first of October after he has received them, and the failure on the part of the city attorney to file suits on said statements by the first of October, shall be deemed a malfeasance and be a cause for impeachment, but a failure on the part of the city assessor and collector of taxes to prepare the "Delinquent Roll," or publish it for the required length of time, or furnish tax statements to the city attorney, or a failure on the part of the city to file suits within the proper time, shall in no wise affect the liability of the delinquent taxpayer, nor shall such failure in any manner be relied on by way of defense against the payment of taxes due the city. Nothing but current money of the United States shall be collected or received in payment of taxes or license due as hereafter assessed, except coupons and script made receivable for taxes on the face thereof, shall be receivable for all taxes except the bond tax. In case where the State has instituted suit for taxes, where taxes are due the city on the same property for the same years, that the city may have the right to intervene in said suit and have judgment for its taxes, and to enforce and foreclose its lien for said taxes, and in cases where the city has first instituted suit for taxes that the State may have the same right to intervene; provided, said city shall not have the right to so intervene for any taxes which may have been due and payable four years or more before said intervention is attempted. That the following property shall be exempt from taxation, to-wit: All lands used exclusively for graveyards, or grounds for burying the dead, except such as are held by any person, company or corporation with a view to profit, or for the purpose of speculation in the sale thereof; all buildings belonging to institutions of purely public charity; together with the lands belonging to and occupied by such institutions not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustaining such institutions, together with such other property as is exempt from taxation by the laws of the State of Texas.

That the city council, by a vote taken by yeas and nays and entered upon the journal, shall have the power to assess, license, and tax hawkers, peddlers, auctioneers, theatrical and other exhibitions, shows and amusements, billiard tables, nine and ten pin alleys, alleys with any number of pins, public drays, wagons, omnibuses and carriages, grog shops, tippling houses and dram shops, beer saloons (whether for the sale of domestic beer or otherwise), and such other trades or occupations not especially mentioned herein as may be taxed by laws of this State; but no assessment or license tax levied under this section shall exceed one-half of the amount levied by the State for the same period on such profession or occupation, and the same may be regulated, levied and collected in the same manner as said taxes are regulated and collected by the State.

That the license tax shall be collected by the assessor and collector of taxes, and it shall be paid to that officer in current funds of the United States by each and every person or firm owing such license and before engaging in any trade, profession, business, calling, avocation or occupation subject to such tax, taking his receipt therefor, which receipt shall be esteemed lawful license for the pursuit of the occupation indicated. And if any person shall engage in any business, calling, avocation or occupation which by ordinance of said city is subject to a license tax, without first having obtained such license, he, she, or they shall be liable to arrest, imprisonment and a fine of ten dollars (\$10) for each and every

day such violation of said ordinance may continue; and this section shall apply to all persons owing license and failing to pay the same, and the city council may make such further regulations as it deems necessary to enforce this provision and punish the violation thereof.

The city council may by resolution provide for the pay and may allow interest upon advanced payment of taxes, at a rate not to exceed six per cent. per annum for the time intervening between the time of such payment and the time when such would be due and payable; provided, that no such resolution shall be passed, nor such interest allowed, except for the purpose of raising money to meet the current expenses of the city for legitimate purposes. Such resolution shall state the amount of money sought to be raised by this means, and when said amount has been received the assessor and collector shall immediately notify the mayor and city council that the amount called for in the resolution has been received, and the city council shall not pay interest on moneys subsequently paid in for taxes of that year. In receiving moneys for taxes in advance, under the resolution provided herein, the assessor and collector shall allow the tax-payer to retain out of such payment the amount of interest allowed thereon, and shall give his receipt for the whole amount, showing what sum is actually paid in, and what sum is allowed as interest on such payment. A board of appraisement, composed of two aldermen and one citizen, shall be annually nominated by the mayor and confirmed by the council, and it shall be their duty as soon as possible after the completion of any one of the assessment rolls by the assessor and collector of taxes, to meet and carefully examine said roll, and properly and equitably adjust the taxable values thereon, thus continuing until they have examined and adjusted and equalized the taxes assessed on all the rolls under regulations to be fixed by the city council, when they, together with the assessor and collector of taxes, shall make due report of their action to the city council. The members of said board shall receive such compensation for their services while engaged upon said rolls as the council may determine, not to exceed five dollars per day, and all matters pertaining to taxation shall be referred to such board, from whose final decision there shall be no appeal; provided further, that the board of appraisement shall not remain in session over sixty days.

Section 40a. The city council of Houston shall have the power to create by ordinance the office of boiler inspector, and to vest such officer with power to inspect steam boilers, and to examine engineers as to their capacity to understand and operate stationary engines, and shall prescribe the duties of such boiler inspector, and define the scope of his authority, and powers he may exercise, and to fix the amount and nature of his compensation. Such boiler inspector shall be appointed by the mayor and be confirmed by the council, and shall hold his office for two years from the date of his qualification and until his successor shall have qualified; provided, that the boiler inspector who shall first be appointed after this shall have become a law, shall hold only until after the next general election for mayor and alderman in the city of Houston, and until his successor shall have qualified. No person shall be appointed boiler inspector under the provisions of this section who is not a practical stationary engineer, of at least five years experience as such.

Section 40b. The city council shall have power to provide by ordinance for the gradual refunding of money heretofore paid by persons for

pavements in front of their property according to the front foot rule heretofore in existence, and to provide how and to whom such money shall be refunded, and to provide how the same shall be paid, and for that purpose shall have the power to authorize the city council to reduce the rate of taxation on, or to reduce the valuation of the property in front of which such pavements were made.

SEC. 2. The near approach of the adjournment of the Legislature, and the crowded condition of the calendar, together with the public interests to be subserved by the passage of this act, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days; wherefore, said constitutional rule is suspended, and this act shall be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 87, nays 1, and was referred to the Senate where same was amended and passed by a two-thirds vote, yeas 21, nays 0, and was reported back to the House; House concurred in Senate amendments by a two-thirds vote, yeas 102, nays 0.]

Approved May 26, 1899.

Became effective May 26, 1899.

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## CERTIFICATE.

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THE STATE OF TEXAS,  
DEPARTMENT OF STATE.

I, D. H. Hardy, Secretary of State, of the State of Texas, do hereby certify that the foregoing Special Laws passed at the Regular Session of the Twenty-sixth Legislature, have been carefully examined and compared by me with the original enrolled bills now on file in this Department, and are true copies of said original enrolled bills.

I do hereby further certify, that the Twenty-sixth Legislature convened in the city of Austin, on the tenth day of January, A. D. 1899, and adjourned on the twenty-seventh day of May, A. D. 1899.

[SEAL] In testimony whereof, I have hereto subscribed my name, and have hereto affixed the seal of the State of Texas, in the city of Austin, this, the thirty-first day of July, A. D. 1899.

D. H. HARDY,  
Secretary of State.



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**GENERAL LAWS**  
**OF**  
**THE STATE OF TEXAS**

**PASSED AT THE**  
**FIRST CALLED SESSION**

**OF THE**  
**TWENTY-SIXTH LEGISLATURE**

**CONVENED AT THE**  
**CITY OF AUSTIN, JANUARY 23, 1900,**

**AND**  
**ADJOURNED FEBRUARY 21, 1900,**

**TOGETHER WITH THE**  
**GOVERNOR'S PROCLAMATION AND MESSAGES.**



**D. H. HARDY, SECRETARY OF STATE.**

**AUSTIN:**  
**VON BOECKMANN, MOORE & SCHUTZE, STATE CONTRACTORS.**  
**1900.**



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## PROCLAMATION.

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I, Joseph D. Sayers, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution thereof, do hereby call a Special Session of the Twenty-sixth Legislature, to convene in the city of Austin, beginning at noon Tuesday, January 23, 1900, for the following purposes, to-wit:

1. To provide a Tax System for 1901, and succeeding years, and which shall take the place of all tax laws now in force.

2. To reduce the rate of the ad valorem tax under present law for general revenue purposes for the year 1900, and to make certain appropriations.

3. To compensate the permanent school fund for any deficiency that may have accrued by reason of the alienation of any portion of lands belonging to the same under and by virtue of Section 2, Article 7, of the Constitution, and in connection therewith to amend or repeal Chapter 173, approved June 5, 1899, and known as Senate bill No. 344, Acts of the Twenty-sixth Legislature.

4. To better regulate the compensation of the Superintendents of the State Lunatic Asylums.

5. To consider and act upon such other matters as may be presented by the Executive pursuant to Section 40, Article 3, of the Constitution.

In witness whereof, I have hereunto set my hand and caused  
[SEAL.] the seal of the State to be affixed at Austin this 18th day  
of December, A. D. 1899.

JOSEPH D. SAYERS,  
Governor.

By the Governor:  
D. H. HARDY,  
Secretary of State.

DEPARTMENT OF STATE,  
STATE OF TEXAS.

I, D. H. Hardy, Secretary of State, do hereby certify that the foregoing is a true and correct copy of the Proclamation of His Excellency, the Governor of Texas, convening the Twenty-sixth Legislature of the State of Texas in extra session.

Witness my official signature and the seal of the State, at  
[SEAL.] Austin, Texas, this 23rd day of January, A. D. 1900.

D. H. HARDY,  
Secretary of State.



## MESSAGES FROM THE GOVERNOR.

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### *To the Legislature:*

The attention of the Legislature is invited to the following subjects, all of which are submitted for consideration:

First. It has been represented to me, through personal conferences and memorials, that a system known as "double-heading" has been introduced into the operation of the railways in the State.

Under this practice there results the consolidation of two trains into one under a single crew of trainmen, eliminating all of the crew of one train, who with the engineer and the fireman, who with their engine and train are added to the other train.

This, it is earnestly contended by very many railway employes, creates new elements of danger, and for that reason should be restrained by law. It is a matter well worthy careful investigation and considerate action.

Second. The press of the State has, for past years, been endeavoring to secure a statutory enactment fully and clearly defining its own privileges, and also the rights, remedies and redress of individuals libeled.

That it and the public are entitled to a plainly written law defining and protecting the proper rights of both, can not be doubted. Without undertaking to deal with the question exhaustively, it may be said that there should be a statute upon the subject of libel clearly expressed and easily understood. Free expression of fact and opinion concerning public and official matters is indispensable in a republican form of government—a basic principle as well as a constitutional guarantee. No honest and well meaning official need fear any wrong that will not be promptly and fully corrected.

Third. The opinion of the Supreme Court in the case of *Kimbrough vs. Barnett* makes it necessary that immediate legislation should be had regarding the independent school districts, and at the request of the Superintendent of Public Instruction the matter is submitted to the Legislature for its consideration.

In this connection and also at his request the propriety of changing the present school census law from an annual to a biennial enumeration, thereby saving to the State an expenditure of thirty or forty thousand dollars each alternate year, is suggested.

Fourth. It has been found impossible to comply with the provisions of Section 7, of Chapter V, approved February 9, 1899, entitled "An Act to provide for the creation and building of a branch asylum for the care and treatment of the epileptic insane."

Suitable and permanent buildings, sufficient to accommodate at least five hundred patients, are required to be erected, including all necessary equipments and contingencies, at a cost not to exceed one hundred thousand dollars. After careful examination and inquiry, the conclusion has been reached that either the number of inmates should be decreased or the limit of cost extended to not less than one hundred and seventy-five thousand dollars.

The requirement for advertising for plans and specifications should also be dispensed with.

Fifth. Such further legislation as may be necessary for the protection, sale or lease of the public domain and of the lands belonging to the permanent school fund and to the educational and eleemosynary institutions.

Sixth. To authorize the sale of the temporary capitol building, in the city of Austin, or its donation and the lot upon which it stands, to the city of Austin in trust for the purpose of a free public library.

Seventh. To amend Sections 43 and 45, Article 2, revised charter of the city of San Antonio.

JOSEPH D. SAYERS, Governor.

Austin, February 7, 1900.

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*To the Legislature:*

The following subjects are submitted to the Legislature for its consideration:

1. Amendments to the charter of the city of Dallas as follows:

First. An amendment to Section 119 of said charter, causing the same to read hereafter as follows:

"The city council shall have power to provide by ordinance for funding the whole or any part of the existing debts of the city, or any future debt, by canceling the evidences thereof, and assuring to the holders or creditors notes or bonds in lieu thereof with coupons attached, bearing interest not to exceed the rate of the original bonds or evidences of indebtedness."

Second. An amendment to Section 120 of said charter, causing the same to hereafter read as follows:

"The council shall have power to appropriate so much of the general revenue of the city for the purposes of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the streets, constructing sewers, erecting and maintaining public buildings of every kind, waterworks, and for the purpose of erecting, maintaining and operating an electric light plant, etc., as the council may from time to time deem expedient; and in furtherance of any or all of these objects the city shall have the right and power to borrow money upon the credit of the city, and to issue coupon bonds therefor, in such sum or sums as may be deemed expedient, to bear interest not to exceed six per cent. per annum, payable semi-annually, at such place or places as may be designated by the city ordinance; provided, that the aggregate amount of said bonds shall at no time exceed the sum of two millions of dollars, outstanding; provided further, that nothing in this section shall prohibit the issuance of bonds necessary to construct an electric light plant not to exceed \$50,000; and provided further, that nothing in this section shall prohibit the issuance of bonds for the cost and expense of extending, improving, maintaining and operating waterworks, water supply and a sewer system, adequate to the necessities of the city, not to exceed one hundred thousand dollars. The proposition to issue new or additional bonds as authorized in this section, as well as the amount of such issuance, and the specific purpose of the same, shall be first submitted to a vote of the qualified voters of the city who are property taxpayers in said city, at an elec-

tion to be held for that purpose, the time, place and manner of said election, and the making of the returns and declaring the results thereof to be prescribed by ordinance as nearly in accord with the laws regulating regular city elections as may be practicable, and unless a majority of the qualified taxpayers voting in such election are in favor of the issuance of such bonds the same shall not be issued."

Third. An amendment to Section 56 of said charter, causing the same to hereafter read as follows:

"To prevent the encumbering of streets, alleys, sidewalks and public grounds with carriages, wagons, carts, hacks, buggies or other vehicles, or with boxes, timber, firewood, posts, awnings, signs or anything whatever, in any manner whatever; to compel all persons to keep all weeds, filth, rubbish, trash of every kind from their premises, and from the sidewalks, streets and gutters in front of the premises occupied by them, and to pass all ordinances necessary to enforce such things. To provide for, establish and maintain a free public library within said city, and to co-operate with any person, firm or corporation under such terms as the council may prescribe for the establishment and maintenance of such free public library, and to that end the city council shall have power to annually appropriate out of the general revenues of the city a fund not to exceed four thousand dollars per annum."

Fourth. An amendment to Section 77 of said charter, by adding thereto at the end thereof, the following words:

"All receipts and revenues from the waterworks shall constitute a separate and sacred fund, which shall never be diverted or drawn upon for any other purpose than the extension, improvement, operation, maintenance, repair and betterment of the waterworks, and water supply, and sewer system of the city, but the city council, subject to the approval of the board of commissioners, as is elsewhere provided in this charter, may appropriate or pledge said receipts and revenues for the purpose of extending, improving, operating, maintaining and bettering the waterworks plant and mains and supply, and for constructing and extending lateral sewers, and also for the purpose of discharging or retiring the indebtedness of the city incurred or accrued for waterworks purposes; provided, that if at any time the receipts of the waterworks shall be in excess of the necessities and expenses for the extension, improvement, operation, maintenance and bettering of the same and of the water supply and the sewer system of the city, it shall be the duty of the city council to at once reduce the water and sewer rates to consumers in proportion to such excess."

Second. To fix the tenure of office for the members of the Board of Regents for the State University and of the Board of Directors of the Agricultural and Mechanical College.

Third. To prohibit market gambling in agricultural products, dealing in "cotton futures," and all other gambling contracts, that are sold or purchased, or offered for sale or purchase of said products.

Fourth. In connection with appropriations heretofore presented:

#### NORTH TEXAS INSANE ASYLUM.

For repairs—flooring and ceiling old power and boiler house,	
kitchen and laundry.....	\$ 3,000 00
For equipping new kitchen and kitchen furniture.....	1,200 00

## TREASURY DEPARTMENT.

For postage.....\$ 500 00

## PRAIRIE VIEW STATE NORMAL AND INDUSTRIAL COLLEGE.

Furniture for new dormitory.....\$ 1,000 00  
 And the unexpended balance of the appropriation to remove  
 and repair the old Kirby building, may be used for the pur-  
 chase of furniture necessary to equip the same for use.

## CONFEDERATE HOME.

For quartermaster.....\$ 900 00  
 For painting and repairs..... 1,000 00

JOSEPH D. SAYERS, Governor.

Austin, February 7, 1900.

*To the Legislature:*

I have to submit for your consideration an amendment to the charter of the city of Dallas, to read as follows:

"Amend Section 12 of said charter so that the same shall hereafter read as follows:

"Section 12. Said election shall be ordered by the mayor or the city council. For the purpose of holding such election and others ordered, the city council shall have the power to divide any ward of the city into any number of voting precincts or blocks, not to exceed one such voting place for each 500 qualified voters according to the returns of the last general city election, and shall have power to appoint some suitable person to act as presiding officer of all elections held in each of said voting precincts. The boundaries of such voting precincts or blocks shall be distinctly and clearly defined in the ordinances creating the same, as well as the places of voting therein, and such voting precincts shall be created and established biennially preceding each general city election; provided, that no person shall vote outside of the voting precinct or block in which he resides at the time the election is held; and provided, that at the first general election held under this act, the number of voting precincts in each ward shall not exceed three, the division into voting precincts to be as nearly as practicable on a basis of equality of voting strength of the several voting precincts."

Also amendments to Articles 5127, 5128 and 5166, of the Revised Statutes of 1895, regarding the publication of blank tax rolls and receipts for the assessment, rendition and collection of taxes.

JOSEPH D. SAYERS, Governor.

Austin, February 13, 1900.

*To the Legislature:*

I herewith submit for the consideration of the Legislature, and for such action as may be deemed advisable in the premises, a communication to



me from a committee representing the John B. Hood Camp of Confederate Veterans of Austin, Texas, as follows:

AUSTIN, TEXAS, February 15, 1900.

*Hon. Joseph D. Sayers, Governor of Texas, Austin, Texas.*

DEAR SIR: Our attention has been directed to a resolution passed by the Senate on the 13th instant, protesting against the Confederate monument being built on the site ceded to the John B. Hood Camp by the Twenty-fourth Legislature.

While we believe we have vested rights in the site selected, and that any action, so far, upon the part of the present Called Session of the Legislature, is without authority and cannot effect our rights, yet, we recognize that the resolution above referred to is an expression of the opposition to the location of the monument, and we, desiring to act in harmony with the government, are willing to release our rights to the site selected if the State of Texas will reimburse the board of trustees of the John B. Hood Camp for the money so far expended on the foundation and hold us harmless against the demands of the contractor by reason of any change of location, say in the sum of \$1,200 in the aggregate, and we respectfully ask that you send a message to the Legislature now in session requesting an appropriation of \$1,200 for that purpose.

We herewith furnish you with a statement of the manner in which we obtained the site and under which we have expended a part of our monumental fund upon the foundation.

Respectfully,

(Signed)

W. VON ROSENBERG,  
FRED CARLTON,  
HENRY E. SHELLEY,  
Committee.

That by a concurrent resolution of the Twenty-fourth Legislature, approved March 16, 1895, the said camp was granted permission to erect a monument to the Confederate dead on the capitol grounds, in the city of Austin, and that the Superintendent of Public Buildings and Grounds was authorized, in conjunction with the committee appointed by said camp, to select a site for said monument.

That the Superintendent and the committee met, went over the grounds, and the former agreed to give 24 by 12 feet of the capitol ground outside the entrance to the enclosure; provided, the city of Austin would give a like piece of ground, 24 by 12 feet, out of Eleventh street.

That the city of Austin did, by ordinance, dated April 1, 1895, grant to the camp the part of Eleventh street.

That J. R. Mobley, Superintendent of Public Buildings and Grounds, after obtaining the views of Governor C. A. Culberson, had a dedication of the grounds written out by the Attorney-General, M. M. Crane, signed and delivered the same, describing the same as follows:

"The point where the center line of Congress Avenue intersects the southern line of the original capitol grounds, that is the northern boundary of Eleventh street, to be the center of the monument grounds, to be twenty-four feet square around said center, in lines parallel and right angular to the line of Eleventh street."

That Governor Culberson, upon being seen by the said Superintendent

and the said committee, approved of the selection; provided, before the contract be let the plan of the monument to be laid before the Governor, in order to prevent the erection of a structure that might interfere with the view to and from the capitol.

That on the 25th of April, 1895, said camp entered upon the ground, took possession of the same by breaking the same and placing therein a solid foundation, about eight feet deep, consisting of cement, gravel and granite sprals, at an expense of about \$900.

That the ground thus prepared remained uncovered and showed itself distinctly from the sidewalk to the eye of every passer-by. That during the session of the Twenty-fifth Legislature the site selected for the monument was thus visibly exposed, and no objection to the same was made by said Legislature.

That for financial reasons, said camp was prevented from erecting the monument within the time desired. Upon the suggestion of Mr. J. R. Mobley the place was covered with cement flagging, to correspond with the sidewalk.

That in the month of June, 1899, arrangements having been completed for the erection of the monument, a committee of said camp waited upon Governor Joseph D. Sayers and submitted the plan of the monument, as was agreed to verbally with Governor C. A. Culberson. Whereupon, Governor Sayers agreed to the plan, at the same time making some valuable suggestions.

That every condition having been complied with, a contract was made with Frank Tiech for the erection of the monument on the ground and upon the foundation provided for, for the sum of \$15,000.

That said camp has acted throughout in good faith, has expended on the foundation \$900, and is now liable to the contractor, who is at this time preparing the granite for the work.

JOSEPH D. SAYERS, Governor.

Austin, February 15, 1900.

# GENERAL LAWS OF TEXAS.

## FIRST CALLED SESSION

### TWENTY-SIXTH LEGISLATURE, 1900.

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#### APPROPRIATION—MILEAGE AND PER DIEM MEMBERS FIRST CALLED SESSION TWENTY-SIXTH LEGISLATURE.

H. B. No. 2.]

#### CHAPTER I.

An Act to be entitled An Act making an appropriation to pay mileage and per diem pay of members and per diem pay of officers and employes of the First Called Session of the Twenty-sixth Legislature of the State of Texas, convened January 23, 1900, by proclamation of the Governor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of forty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the payment of mileage and per diem pay of members, and per diem pay of officers and employes of the First Called Session of the Twenty-sixth Legislature.

SEC. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

SEC. 3. And whereas, the First Called Session of the Twenty-sixth Legislature is now in session, and public policy requires their payment; therefore, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act shall take effect from and after its passage.

Approved January 25, 1900.

Became effective January 25, 1900.

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#### APPROPRIATION—CONTINGENT EXPENSES FIRST CALLED SESSION TWENTY-SIXTH LEGISLATURE.

H. B. No. 3.]

#### CHAPTER II.

An Act making an appropriation to defray the contingent expenses of the First Called Session of the Twenty-sixth Legislature of the State of Texas, convened January 23, 1900, by proclamation of the Governor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:*

That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the contingent expenses of the First Called Session of the Twenty-sixth Legislature, convened January 23, 1900, by proclamation of the Governor, and that the approval by the Chairman of the Committee on Contingent Expenses of either house, countersigned by the President of the Senate or Speaker of the House, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer for the payment of any account so drawn against said fund.

SEC. 2. That the public importance of the objects herein contemplated creates an imperative public necessity and emergency, fully authorizing the suspension of the constitutional rule requiring all bills to be read on three several days in each house, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved January 26, 1900.

Became effective January 26, 1900.

#### TAX—AD VALOREM—REDUCING RATE TO 16 $\frac{2}{3}$ CENTS.

S. H. B. No. 4.]

#### CHAPTER III.

An Act to amend Article 5046, Chapter 1, Title 104, of the Revised Civil Statutes of the State of Texas of 1895, relating to the subject of taxation.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 5046, Chapter 1, Title 104, of the above recited statutes, be and the same is hereby amended so as to read hereafter as follows:

Article 5046. There shall be levied and collected, for the year A. D. 1900, and annually thereafter, an ad valorem tax of sixteen and two-thirds cents on the one hundred dollars cash value thereof, estimated in lawful currency of the United States, on all real property situated and on all property owned in the State on the first day of January in each and every year, and on all property sent out of the State prior to the first day of January for the purpose of evading the payment of taxes thereon, and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and laws of this State or the United States; which cash value shall be estimated in the manner prescribed by law.

SEC. 2. Whereas, the various commissioners' courts of this State are about to levy taxes for the year 1900, and it appears that the rate heretofore fixed by law is unnecessarily high, and the importance of such legislation, creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this bill take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 106, nays 0; passed the Senate with amendment by a two-thirds vote, yeas 26, nays 0; House concurred in Senate amendments by a two-thirds vote, yeas 96, nays 8.]

Approved February 19, 1900.

Became effective February 19, 1900.

RAILROADS—PLACING OPERATION OF DOUBLE HEADER  
TRAINS UNDER THE JURISDICTION OF RAIL-  
ROAD COMMISSION.

S. S. B. No. 9.]

## CHAPTER IV.

An Act authorizing the Railroad Commission of the State of Texas to investigate into the running and operating by any railroad in this State of more than one working locomotive in any one train at the same time, and to authorize them to regulate or forbid such practice either on all or a part of such railroads, and to prescribe a penalty for the violation of the Commission's order; and to define an abuse; and to provide that railway employees shall not be held to assume the risk of injury when engaged in the operation of trains propelled by two or more engines.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Where an unreasonable degree of hazard results to its employes it is hereby declared to be an abuse of its franchise and privileges for any railroad company, or receiver, operating a line of railroad in this State to run or operate more than one working locomotive at the same time in propelling or moving any one train of cars, except in moving trains up steep grades, or where a locomotive propelling the train becomes temporarily disabled after leaving the terminal; and it shall be the duty of the Railroad Commission to investigate such abuses and see that the same are corrected, regulated or prohibited as hereinafter provided.

SEC. 2. After such investigation should the Railroad Commission decide to regulate or forbid the practice of using more than one working locomotive in the operation of any train at the same time on any railroad or part of railroad within this State, then it shall be their duty to make and record an order fully setting forth their decision and clearly designating the railroad or part of railroad on which such practice is forbidden or regulated, and how regulated. Notice of said order shall be served upon said railroad affected by it. Said notice shall contain in full a copy of said order and shall be directed to the sheriff or any constable of the county where the general offices of such railroad are located, and a copy of the same shall be delivered by the officer executing the same to the president or the vice-president, or the general manager, or the general superintendent, or any general officer of said railroad in this State residing in said county; and said officer executing said writ shall make his return on the original and deliver the same with his return forthwith to the Commission.

SEC. 3. It shall be the duty of such railroad to obey said order, and any railroad corporation, or receiver, who shall at any time after such notice shall have been served for ten days violate the order of the Commission shall be liable to the State of Texas for a penalty of not less than \$500 nor more than \$5000 for each offense, and such penalty shall be recovered and suits therefor shall be brought in the name of the State of Texas in the proper court having jurisdiction thereof in Travis county, Texas, or in any county into or through which such railroad may run, by the Attorney-General or under his direction, and such suit shall be subject to the provisions of Article 4577 of the Revised Civil Statutes.

SEC. 3a. Employes of railway companies employed by said companies

in the operation of trains within this State propelled by two or more engines, shall not be held to assume the risk (if any there be) incident to their employment; provided, they be injured while engaged in operation of such trains; and provided further, that such injury was occasioned by reason of the operation of two or more engines on such train instead of one.

SEC. 4. The fact that the session is drawing near a close and the calendar is crowded, and that abuses may exist in the operation of more than one locomotive in a railroad train at the same time, create an emergency and an imperative public necessity requiring that the constitutional rule providing that bills shall be read on three several days be suspended, and the same is suspended, and that this act go into effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 25, nays 1; and passed the House of Representatives by a two-thirds vote, yeas 93, nays 2.]

Approved February 20, 1900.

Became effective February 20, 1900.

### EPILEPTIC ASYLUM—MAKING APPROPRIATION THEREFOR—AMENDMENT.

S. B. No. 8.]

#### CHAPTER V.

An Act to amend Section 7, of An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor, approved February 9, 1899.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 7 of said act be and the same is hereby so amended as to hereafter read as follows:

Section 7. That there be constructed upon said grounds so selected, suitable and permanent buildings sufficient to accommodate not less than five hundred inmates; to be provided with such equipments for furnishing water, heat, light, ventilation and other necessary conveniences as may be practicable; and the Governor shall, as soon as practicable, after the passage of this act, and approval of the report of the Commissioners heretofore provided for, cause plans and specification for said buildings to be prepared, and, together with the Comptroller and Treasurer, shall let the contract for the construction of said buildings, according to such plans and specifications as they may have adopted, to the lowest responsible bidder, who shall give a good and sufficient bond for the completion of said buildings according to the contract entered into with them; provided, that not more than fifty thousand (\$50,000) dollars shall be expended during the fiscal year 1900, towards the erection of said buildings.

SEC. 2. Whereas, there are two hundred and fifty epileptic insane in the several asylums of the State, who are in great need of separation from the other insane in said asylums; and

Whereas, there are also about three hundred epileptic insane throughout the State who are in great need of care and treatment, and cannot be admitted into the several asylums on account of their incurable condition

and the crowded condition of said asylums, therefore an emergency and an imperative public necessity exists which render it necessary that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 27, nays 0; passed the House of Representatives by a two-thirds vote, yeas 90, nays 9.]

Approved February 20, 1900.

Became effective February 20, 1900.

## WATERWORKS FOR CITIES AND TOWNS—AMENDMENT.

S. S. B. No. 20.]

### CHAPTER VI.

An Act to amend Article 418 of the Revised Civil Statutes of the State of Texas, relative to providing water for cities and towns.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 418, of the Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 418. To provide, or cause to be provided, the city with water, to make, to regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets or elsewhere within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water; provided, that any city or town owning, or that may hereafter own its water system and plant, shall not lease or sell the same without first submitting the question of such proposed lease or sale to a vote of the qualified voters, who are property taxpayers of such town or city, as shown by the last preceding tax rolls, at a general election, or at one held for that especial purpose, and a majority of those voting shall vote in favor thereof. Before submitting such question to a vote as aforesaid the proposed contract of lease or sale shall be distinctly set forth in the form of an ordinance or contract, and shall be filed with the city or town secretary or clerk for at least twenty days prior to the day of the election, and shall at all times be subject to inspection by the people of such city.

SEC. 2. Whereas, there is now no law by which the taxpaying citizens of a city, incorporated under the general laws, can exercise a voice in the leasing for long terms of years, or selling water plants costing many thousands of dollars, and the near approach to the close of the session, and the crowded condition of the calendar, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 21, nays 1; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-first day of February, A. D. 1900, but was not signed by him nor returned to the house in which it originated with objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him, and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect 90 days after adjournment.

## SCHOOL TRUSTEES—PROVIDING UNIFORM METHOD OF SELECTING.

H. B. No. 19.]

### CHAPTER VII.

An Act to provide a uniform method of selecting trustees in independent school districts, defining the duties of such trustees, the time and manner of election, also the appointment of trustees by the city council under certain conditions, validating the acts of trustees heretofore elected or appointed and continuing such trustees in office until their successors are legally chosen and qualified, repealing Act of March 30, 1899, Chapter LI, General Laws passed by the Twenty-sixth Legislature, also Articles 4001, 4007, 4008, 4009, 4010, 4011, 4012, 4017, 4018, 4019, 4020, 4021, 4022, Revised Statutes of 1895, and all other laws or parts of laws, both special and general, in conflict with the provisions of this act, and providing an emergency, and exempting the city of Dallas and the city of Ft. Worth from its provisions, and prohibiting teachers, trustees and superintendents from acting as agents for text-book companies.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That there shall be elected on the first Saturday in May, 1900, in each independent school district in this State, subject to the exceptions herein-after named, seven trustees, who shall constitute the school board of such independent district, and all of whom shall serve without compensation, and the provisions of this act shall also apply to cities operating under special charter.

SEC. 2. The terms of office of the seven trustees chosen at the first election under this act shall be divided into two classes, and the members shall draw for the different classes, the four members drawing the numbers one, two, three and four shall serve for one year; that is, until May, 1901, and until their successors are elected and qualified, and the three members drawing the numbers five, six and seven shall serve for two years; that is, until May, 1902, and until their successors are elected and qualified, and regularly thereafter on the first Saturday in May of each year, four trustees and three trustees, alternately, shall be elected for a term of two years, to succeed the trustees, whose terms shall at that time expire.

SEC. 3. The county judge of each county shall order, for each and every independent school district in the county of which he is county judge, the first election required to be held under this act; and thereafter all such elections shall be ordered by the board of trustees of each independent school district. And such order shall be made at least ten days before the



date of election, and a notice of the order shall be posted at three different places in the district. The county judge or board of school trustees, as the case may be, at the time of ordering such election, shall appoint persons to hold the election, and shall designate the places where the polls shall be open.

All such elections shall be held in accordance with the State law governing elections, and returns of such elections shall be made to the county judge or board of school trustees, as the case may be, in the same manner as election returns are made under such State law.

The county judge or board of school trustees, as the case may be, shall canvass such returns, declare the result of such election, and issue certificates of election to the persons shown by such returns to be elected.

SEC. 4. The trustees chosen under this act shall meet within twenty days after their election, or as soon thereafter as possible, for the purpose of organizing. A majority of said board shall constitute a quorum to do business, and they shall choose a president, secretary, treasurer and other necessary officers and committees. The treasurer elected shall be required to give bond in double the estimated amount of the receipts coming annually into his hands; said bond shall be made payable to the president of the board or his successor in office, and be approved by the board of trustees.

In independent school districts in cities having a city assessor and collector of taxes such assessor and collector shall assess and collect the taxes for school purposes, and in independent school districts where there is no city assessor and collector the county assessor and collector shall assess and collect such school taxes as other taxes are assessed and collected; provided further, that in said independent school districts property shall not be assessed at a greater value than same is assessed at for State and county purposes.

SEC. 5. Before any trustee enters upon the discharge of the duties of his office he shall swear that he will faithfully and impartially discharge the duties of such office, and his affidavit to that effect shall be filed after the first election with the county judge, and after all subsequent elections with the president or chairman of the school board.

SEC. 6. Said board of trustees shall adopt such rules, regulations and by-laws as they may deem proper, and the public free schools of such independent districts shall be under their control, and they shall have the exclusive power to manage and govern said schools, and all rights and titles to property for school purposes heretofore vested in the mayor, city councils or school trustees by Articles 3995, 4013 and 4032, Revised Statutes of 1895, or other statutes, general and special, except such cities as are exempted by this act, shall be vested in said board of trustees and their successors in office, and their claims shall apply to any action or suit now pending, or which may hereafter arise, to which said board are parties. It is further provided, that in such cities and towns as may now or hereafter constitute independent school districts, and where a special tax for school purposes has been voted by the people, or provided by special charter, not exceeding one-half of one per cent., it shall be the duty of said board of trustees to determine what amount of said tax within the limit voted by the people or fixed by special charter will be necessary for the maintenance of the schools for each current year, and

it shall become the duty of the city council, upon the requisition of the said board of trustees, to annually levy and collect said tax, as other taxes are levied and collected, and said tax, when collected, shall be placed at the disposal of the said school board by paying over monthly to the treasurer of said board the amount collected for the support of the schools of such districts to be used for the maintenance and support of the public free schools of such independent district.

SEC. 7. All the qualified voters of each independent district shall be entitled to vote at a trustees' election, and the seven candidates receiving the largest number of votes at the election held on the first Saturday in May, 1900, shall be entitled to serve as trustees for the full term of their election, and the four candidates receiving the largest number of votes on the first Saturday in May, 1901, and at all subsequent trustees' elections, the three or the four candidates, as the case may be, shall be entitled to serve as trustees for the full term for which they are elected.

SEC. 8. When a vacancy occurs in the board of school trustees in any independent school district the remaining members of such board shall fill the vacancy by electing a person to fill the office for the unexpired portion of the term of the prior incumbent thereof.

SEC. 9. Towns and cities which have heretofore chosen their trustees by appointment of the city council or board of aldermen, under the provisions of Article 4018, Revised Statutes, shall be authorized to continue to choose their trustees in this manner; that is, by the appointment of the board of aldermen of said city or town; provided, that seven trustees shall be appointed at first, four of whom shall serve for one year, and three for two years, and at regular intervals of one year thereafter, four trustees and three trustees, alternately, shall be appointed each year for a term of two years; and further provided, that on a petition of twenty-five per cent. of the voters of any such city or town, to be ascertained by the ballots cast at the last regular city election in said city or town, the mayor of such city or town shall order an election to determine whether or not the school affairs of such city or town shall be directed by a school board elected in accordance with the provisions of this act, and in case of an affirmative vote, an election shall at once be ordered by the said mayor for the purpose of choosing a school board consisting of seven trustees, as provided in Section 1 of this act.

SEC. 10. At any time hereafter it shall be lawful for any town or village, which may desire to incorporate for school purposes only, to make application to the county judge for the organization of an independent school district, as provided for by the general statutes governing such cases, and for the election of a board of trustees, as provided in this act, and, on receipt of such application, it shall be the duty of the county judge to proceed as required in Section 3 of this act.

SEC. 11. Trustees and school officers, heretofore appointed or elected, in independent school districts, are hereby continued in office until the election and qualification of trustees, as provided for in Section 1 of this act, and the official acts and proceedings of and contracts, bonds issued and authorized to be issued by boards of trustees in independent school districts heretofore elected and appointed and operating under former acts of the Legislature of this State, and particularly under an act approved March 30, 1899, entitled "An Act to provide a uniform method

of electing school trustees in independent districts," are hereby validated, ratified and confirmed. The provisions of this act shall not apply to the city of Ft. Worth.

SEC. 11a. Provided that the terms and provisions of this act shall not apply to the city of Dallas.

SEC. 11b. Each board of trustees provided for in this act shall elect a superintendent or principal of schools of such independent district for not more than one year.

SEC. 12. No member of the board of trustees of any public school, nor teacher in any of the public schools of this State, nor county, or city superintendent of public schools, shall, during the term of their office as trustee, or superintendent, or during the time of their employment as teacher, act as agent or attorney for any text-book publishing company selling text-books in this State. Nor shall any person interested in the publication of text-books or of selling the same to be used in the public schools of this State, be eligible as school trustees, county or city superintendent of schools, or as teacher in any of the public schools of this State, while acting in the capacity of agent or attorney for text-book publishers or dealers. If after election as trustee, county or city superintendent or employment as teacher, any person filling such position, accepts the agency or attorneyship of any text-book publishing company, the acceptance of such agency or attorneyship shall work a forfeiture of the office or place in the public schools held at the time of the acceptance of such agency or attorneyship.

SEC. 13. All laws and parts of laws, both general and special, in conflict with this act are hereby expressly repealed, and all local or special laws, and parts of local and special laws providing for the election or appointment of trustees, superintendents, or other school officials are hereby specially repealed; provided, that this act shall not be construed to repeal the school laws of cities specially exempted by this act.

SEC. 14. The fact that there are at present no adequate provisions for the proper control and management of the public schools in independent school districts, and for the protection of property dedicated to the use and benefit of such public schools, creates an emergency and imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 97, nays 0; and passed the Senate with amendments by a two-thirds vote, yeas 21, nays 0; House concurred in Senate amendments by a two-thirds vote, yeas 99, nays 2.]

Approved February 21, 1900.

Became effective February 21, 1900.

# APPROPRIATION—DEFICIENCIES FOR SUPPORT OF STATE GOVERNMENT AND OTHER PURPOSES.

S. B. No. 6.]

## CHAPTER VIII.

An Act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the State government from March 1, 1899, to February 28, 1901, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies, and for other purposes.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the following sums, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for deficiencies incurred in support of the State government for the period beginning March 1, 1899, and ending February 28, 1901, and for other purposes.

### JUDICIARY DEPARTMENT.

Fees for attached and subpoenaed witnesses for the two years ending February 28, 1901, estimated.....	\$ 75,000 00
Salaries for special judges, estimated.....	3,000 00
Fees for county judges, justices of the peace, sheriffs and constables in examining trials for the two years ending February 28, 1901, estimated.....	5,000 00
Court of Criminal Appeals, clerk's fees in felony cases for the year ending February 28, 1900, estimated.....	750 00
Court of Civil Appeals, First District, postage, estimated, February 28, 1901.....	40 00
Contingent expenses, estimated, February 28, 1901.....	100 00
Books for court use, estimated, February 28, 1901.....	100 00
Law books and journals.....	100 00
Court of Civil Appeals, Second District, postage, estimated February 28, 1901.....	40 00
Contingent expenses .....	100 00
Law books .....	100 00

### QUARANTINE DEPARTMENT.

For enforcing the quarantine laws of Texas, registered deficiencies .....	\$ 3,252 00
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### LIVE STOCK SANITARY COMMISSION.

Registered: Expenses of Live Stock Sanitary Commission..	\$ 4,200 00
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To refund to John B. Hood Camp, Confederate Veterans, money expended in placing a foundation for the Confederate monument at the south gate of the capitol grounds, or so much thereof as the Governor may find upon investigation to be necessary to reimburse said John B. Hood Camp. \$ 900 00

## NORTH TEXAS INSANE ASYLUM.

For the erection of an annex for females at the North Texas Insane Asylum, at Terrell, Texas.....	\$ 2,500 00
For contingent expenses to March 1, 1900.....	200 00
For power house, to include room for three batteries of three boilers each, and for coal.....	13,500 00
Nine new boilers, connections, new fittings and fixtures for same .....	6,381 00
For salary of one plasterer.....	480 00
For salary of one assistant carpenter.....	360 00
For salary of one shoemaker.....	360 00
For salary of one tailor.....	360 00
For salary of one assistant gardener.....	300 00
For salary of one assistant dairyman.....	240 00
For salary of one scavenger.....	240 00
For salary of one mattress maker.....	240 00
For purchase of additional laundry machinery, electric motor and fitting up of new laundry.....	3,000 00
For purchase of one slop wagon.....	80 00
For new kitchen and bakery, including rooms in second story for occupation by employes.....	18,777 00
For equipping new kitchen and kitchen furniture.....	1,200 00
For repairs, flooring and ceiling old power and boiler house, kitchen and laundry.....	3,000 00

## STATE LUNATIC ASYLUM.

For two pairs of mules and harness.....	\$ 450 00
For the erection of stables and sheds for dairy herd.....	500 00
For the erection of coal shed.....	250 00
For general repairs.....	1,000 00
For replacing stoves with new heating apparatus in buildings.	5,500 00

## SOUTHWESTERN INSANE ASYLUM.

For salary of six additional attendants, at \$20 per month each .....	\$ 1,440 00
For salary of two night-watches, at \$25 per month each....	600 00
For purchase of medical stores.....	500 00
For purchase of cows for use of the asylum.....	500 00
For contingent expenses.....	150 00
To pay P. T. Shields for work performed.....	885 65

## DEAF AND DUMB ASYLUM.

For repairs to buildings and grounds for the year ending February 28, 1901.....	\$ 2,500 00
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## PUBLIC BUILDINGS AND GROUNDS.

For water, fuel, lights, pipes, plate glass, piping, etc., for the year ending February 28, 1901.....	\$ 3,000 00
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To be used in removing the debris of the old temporary capitol to such place on the State's grounds as may be deemed best in the estimation of the Governor, who may, however, have authority to sell all or any of said rubbish for a money consideration ..... 1,000 00

## CONFEDERATE HOME.

Amount required to finish hospital.....\$ 5,000 00

## BLIND ASYLUM.

To purchase wood and coal.....\$ 500 00  
 To purchase two solid metallic washers, a centrifugal extractor and repairs to laundry..... 1,100 00  
 For erection of one two-story brick building..... 6,500 00  
 For building fire-proof building for manufacture of mattresses, etc..... 2,500 00

## STATE UNIVERSITY, MEDICAL BRANCH, GALVESTON.

Out of general revenue for support and maintenance for two years ending February 28, 1901.....\$ 6,000 00  
 For support and maintenance in addition to the appropriation from general revenue the fees collected from students for the two years ending February 28, 1901.

## AGRICULTURAL AND MECHANICAL COLLEGE.

For construction of sewerage system for said college.....\$ 3,000 00

## PRAIRIE VIEW STATE NORMAL AND INDUSTRIAL COLLEGE.

Furniture for new dormitory.....\$ 1,000 00  
 And the unexpended balance of the appropriation to remove the old Kirby building may be used for the purchase of furniture necessary to equip the same for use.

## TREASURY DEPARTMENT.

For salary of one additional clerk.....\$ 1,200 00  
 For salary of one porter..... 360 00  
 For postage ..... 500 00

## COMPTROLLER'S DEPARTMENT.

For two additional pension clerks, at \$1200 each.....\$ 2,400 00

## GENERAL LAND OFFICE.

Four additional draftsmen, at \$1200 each.....\$ 4,800 00  
 Seven additional clerks in school land department at \$1080 each ..... 7,560 00

To refund to lessees of public domain, public school, university or asylum lands, or their assignees, the money paid by them into the State treasury, in accordance with any of the laws of this State; and where, according to the certificate of the Commissioner of the General Land Office, made under the provisions of Chapter 3, as amended by the Acts of the Twenty-fourth Legislature, in House bill No. 358, it is shown that possession cannot pass because of erroneous leases or conflicting leases, to be paid out of the representative funds to which said payments were credited. Said claims to be approved by the Attorney-General and the Governor as to correctness of claims and to whom due. . \$ 15,000 00

#### ORPHAN ASYLUM.

For maintenance of inmates of said institution, and to pay deficiencies now existing—all of the available funds of said asylum, for the two years ending February 28, 1901, in addition to the appropriations heretofore made out of the general revenue; provided, however, that the appropriations for new buildings and repairs for the various institutions, as provided for in this bill, can only be expended under the direct order and supervision of the Governor or his specially appointed agent. The pay and expenses of said agent, if any, to be prorated among the various institutions according to the services rendered.

#### TAX COMMISSION.

The sum of seven hundred dollars (\$700) is hereby appropriated to pay balance due Hon. O. B. Colquitt, expert member of the Tax Commission.

For relief of liquor dealers in local option districts. . . . . \$ 3,500 00

SEC. 2. The fact of the near approach of the close of this session of the Legislature, and the fact that this bill provides for the erection of several public buildings of urgent public necessity, and the fact that provision is made for many deficiencies in the appropriations heretofore made, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 25, nays 1; passed the House of Representatives with amendments, no vote given; Senate concurred in House amendments, no vote given.]

Approved February 22, 1900.

RAILROADS—PROVIDING FOR THE SALE OF CERTAIN  
LANDS TO, FOR CERTAIN PURPOSES.

S. B. No. 10.]

CHAPTER IX.

An Act authorizing the sale of certain portions of the public free school, university and asylum lands to railroad companies owning and operating railways in this State, for the establishment of depots, stations, yards, round houses, shops, divisional terminals or water stations required in connection with the operation of such railroads; to prescribe the terms and conditions of such sales and to authorize the Commissioner of the General Land Office to fix the price of such lands, when so sold for such purposes.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That any railway company owning and operating a line of railway in this State, requiring any portion of the unsold public free school, University or asylum lands of this State for use in the maintaining, repair or operation of its railroad, and desiring to purchase the same, shall file with the Commissioner of the General Land Office an application to purchase each tract so required and desired, supported by the affidavit of its president, a vice-president or its chief operating officer, and which shall,

(1) Describe by metes and bounds or otherwise, sufficiently to satisfy the Commissioner of the General Land Office, the particular tract or tracts which it desires to so purchase.

(2) Stating that such tract or a portion of the same is needed by said railway company for the purpose of establishing thereon depots or stations for freight and passengers, yards, divisional terminals, shops, round houses or water stations, and that it is the purpose and intention of said company to immediately use such tract or a portion thereof for some one or all of such purposes within a reasonable time after the same shall be acquired by said company.

(3) That the said application for such purchase is not made for the purpose of speculation or for the use or benefit of any other person or corporation than the applicant, nor in collusion with nor in the interest of any other corporation or person whomsoever.

SEC. 2. When any such application or applications shall be filed, the Commissioner of the General Land Office shall investigate the matters therein set forth, and if, after such investigation he shall be satisfied that the statements made in such application are true, he shall then determine and fix the fair and reasonable value of such tract or tracts of land and advise the applicant of the price so fixed, and if said railway company desires said land at the price so fixed it shall pay therefor in cash to the State Treasurer the price so fixed by the Commissioner of the General Land Office, and the treasurer shall give his receipt showing such payment, whereupon there shall be issued and delivered to said railway company a patent for said tract or tracts of land, to be properly executed by the Governor and the Commissioner of the General Land Office, upon payment of the patent fee therefor.

SEC. 3. No railway company shall be permitted to purchase, nor shall there be sold to any railway company, nor to any person for the benefit



of any railway company, under the provisions of this act any tract of land including more land than actually needed by such railway company for right of way, depots, sidings, switches, terminals, round houses, shops and such other improvements or buildings actually necessary for the proper operation of said railway, and any railway company desiring to make purchase of any such lands shall furnish the Commissioner of the General Land Office with a plat and map, together with the field notes of the land so desired, which shall be accompanied by such affidavit of purpose of use as provided in this act, or required by such Commissioner.

SEC. 4. If any railway company desires to purchase, under the conditions and provisions of this act, any tract of land containing less than 320 acres, it shall in its application therefor describe by metes and bounds, or otherwise, to the satisfaction of the Commissioner of the General Land Office, the particular portion of any existing survey, which it may so desire to purchase, and the Commissioner of the General Land Office shall be, and is hereby authorized, to sell such number of acres so applied for, though less than the whole survey, under the conditions and provisions of this act.

SEC. 5. This act shall not be construed to require any character of actual settlement to be made upon the land sold under its provisions previous to the sale and patent thereof, nor shall it be construed as in any way changing or modifying the present laws in relation to the sale of public free school, University and asylum lands of this State, except as herein especially and specifically provided. Whenever any land is sold to railway companies for the purposes mentioned in this act, and shall be used for any other purposes than those mentioned in this act, then such land shall revert back to the State.

SEC. 6. The fact that valuable improvements are now desired to be erected upon some of the public lands of this State, in accordance with the provisions of the foregoing bill, and the fact that such improvements will redound to the great benefit of the inhabitants of this State, and the further fact that railroad companies can not obtain suitable lands in the western portion of the State upon which to erect shops, round houses and terminal facilities by other means than that provided for in this bill, and the near approach to the close of the present special session of the Legislature, and the crowded condition of its calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 26, nays 0; and passed the House of Representatives by a two-thirds vote, yeas 86, nays 3.]

Approved February 22, 1900.

Became effective February 22, 1900.

LANDS—EXTENDING THE TIME OF PAYMENT FOR  
CERTAIN LANDS.

S. B. No. 17.]

CHAPTER X.

An Act extending for twenty years the payment of the principal of the purchase money for lands purchased under the act of the Legislature herein named.

Whereas, under an act of the Legislature of this State entitled "An Act to amend the caption and Sections 1, 2, 3, 4, 5, 6, 7 and 8, of an act entitled 'An Act to provide for the sale of alternate sections of land in organized counties, as surveyed by railroad companies and other works of internal improvements, and set apart for the benefit of the common school fund; to provide for the investment of the proceeds, and to repeal all laws in conflict therewith, approved July 8, 1879,' and to provide for the sale of such lands in unorganized counties, approved April 6, 1881," many of the lands belonging to said fund were sold on a credit of twenty years, the principal bearing interest at the rate of eight per cent. per annum; and

Whereas, many of the obligations given to the State for said land will soon become due, and said purchase money is bringing to the State a higher rate of interest than can be otherwise obtained for same; and

Whereas, it is to the interest of the common school fund to which said lands belong that the time for the payment of the principal of the purchase money may be extended; therefore,

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That purchasers of said lands under the above recited act or their assigns shall have twenty years from the date when their original obligations given for said land shall have fallen due within which to pay the principal of said obligation or any balance thereof remaining unpaid at said time, and no forfeiture of said lands shall be declared on account of the non-payment of the principal of said obligation, or any balance thereof, until the expiration of the twenty years from the date of the maturity of same as originally made; provided, this act shall not apply to any purchaser or his assignee who shall fail or refuse to pay the annual installment of interest due on his obligation by the first day of November of each year, respectively, after the same shall have become due, either before or after the extension herein provided for shall have commenced to run.

SEC. 2. The failure of any principal obligor, his assignee or legal representatives, to pay the annual installment of interest due on his obligation, as therein stipulated and agreed, by the first day of November of any one year, after the same shall have become due and payable, shall subject the land for which said obligation was given and all principal and interest paid therein to be forfeited to the State; and the Commissioner of the General Land Office is hereby authorized and instructed in all instances where such failure, as herein mentioned, shall have occurred to declare the land and all payments made therein forfeited to the State.

SEC. 3. Nothing in this act shall be construed to in any respect relieve said purchasers or their assignees from the payment of any interest

on said land in the manner and on the terms prescribed in said original act, nor prevent a forfeiture of said lands for a failure to comply with the terms of said original obligation in the payment of interest.

· SEC. 4. The fact that the purchase money for sales named in this act are maturing, and the extension of said debt will be of great benefit and profit to the public school fund, and the near approach to the close of the present special session of the Legislature, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved February 22, 1900.

Takes effect 90 days after adjournment.

## PUBLIC DOMAIN—SCHOOL LAND, SETTLING ACCOUNT BETWEEN.

S. S. B. No. 2.]

### CHAPTER XI.

**An Act to define the permanent school fund of the State of Texas, to partition the public lands between said fund and the State, and to adjust the account between said fund and said State; to set apart and appropriate to said school fund, in part payment of said account, the residue of the public domain of said State, to which the said fund is entitled under Section 2, Article 7, of the Constitution, adopted April 17, 1876; to appropriate the sum of seventeen thousand, one hundred eighty and twenty-seven one-hundredths dollars to the permanent school fund from the general revenue not otherwise appropriated, in full payment of the balance due to said fund by the State of Texas, under the Constitution of 1876; to provide for the survey, purchase and lease of said land, and the issuance of patents in certain cases; and providing for suit in Travis county against any person claiming any of the lands belonging to the school fund or any other funds.**

Whereas, by authority of an act to adjust and define the rights of the Texas & Pacific Railway Company within the State of Texas, passed May 2, 1873, there was set aside and segregated from the public domain what is commonly called and known as the Texas & Pacific Railway Reservation; and

Whereas, by authority of an act to amendments thereto provided that for every section or part of section surveyed for said railway company, or for any other purpose, a like quantity should be surveyed and set apart for the benefit of the permanent school fund, and that one-half of the proceeds arising from the sale of all lands in said reservation should be paid to the permanent school fund; and

Whereas, at the adoption of the Constitution of 1876 there was thirteen million, six hundred and seventy-four thousand, four hundred and forty-eight and ninety one-hundredths acres remaining unsurveyed or otherwise unappropriated, and of which the permanent school fund was enti-

tled to six million, eight hundred and thirty-seven thousand, two hundred and twenty-four and forty-nine one-hundredths acres; and

Whereas, at the time the Constitution of 1876 was adopted there were forty-one million, eight hundred and sixty-one thousand, one hundred and thirty-two and sixty-six one-hundredths acres of public domain, and of which, under Section 2, Article 7, of said Constitution, said school fund was entitled to twenty million, nine hundred and thirty thousand, five hundred and sixty-six and thirty-three one-hundredths acres, which, together with one-half of the Texas & Pacific Railway Reservation, amounts in the aggregate to twenty-seven million, seven hundred and sixty-seven thousand, seven hundred and ninety and seventy-eight one-hundredths acres; and

Whereas, there were surveyed for and set apart to said fund, together with the proceeds arising from the sale of land within the Texas & Pacific Railway Reservation, four million, nine hundred and forty-three thousand, two hundred and six and twenty one-hundredths acres; and

Whereas, there were surveyed for and set apart to said fund, together with the proceeds arising from the sale of land from the unappropriated public domain of the State, sixteen million, nine hundred and twenty-two thousand, five hundred and seven and ninety one-hundredths acres; and

Whereas, by an act of the Twenty-sixth Legislature, approved April 18, 1899, there was set apart and appropriated to said fund all lands heretofore recovered from railway companies, other persons, firms or corporations, amounting in the aggregate to one million, four hundred and twenty-eight thousand, five hundred and forty-one and forty one-hundredths acres, which were transferred in part payment to the indebtedness of the State to the permanent school fund, making a grand total of twenty-three million, two hundred and ninety-four thousand, two hundred and fifty-five and thirty-one one-hundredths acres, against twenty-seven million seven hundred and sixty-seven thousand, seven hundred and ninety and seventy-eight one-hundredths acres to which it is entitled, or a deficiency of four million, four hundred and seventy-three thousand, five hundred and thirty-five and twenty-seven one-hundredths acres; and

Whereas, there are within the Texas & Pacific Railway Reservation remaining unsurveyed and unappropriated three million, two hundred and seventy-five thousand, six hundred and twenty-eight acres, and there are unsurveyed and unappropriated one million, one hundred and sixty-eight thousand, five hundred and sixty-seven acres of public domain in the State of Texas, exclusive of lakes, bays and islands on the Gulf of Mexico, amounting in the aggregate to four million, four hundred and forty-four thousand, one hundred and ninety-five acres, which is twenty-nine thousand, three hundred and forty and twenty-seven one-hundredths acres less than is due by the State to the permanent school fund (including lands sold under pre-emption act of 1879), after setting apart and appropriating to said four million, four hundred and forty-four thousand, one hundred and ninety-five acres of unsurveyed and unappropriated land; and

Whereas, the average value of said land is one dollar per acre; and

Whereas, until the account between the State of Texas and the permanent school fund is adjusted, a cloud rests upon a great number of land titles in this State; and

Whereas, it is necessary that there should be a complete and final adjustment and partition between the State and said school fund, and to the further end that the cloud now resting on the land titles of Texas be removed; therefore,

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. For the purpose of adjusting and finally settling the controversy between the permanent school fund and the State of Texas, growing out of the division of the public domain, there is hereby set apart and granted to said school fund four million, four hundred and forty-four thousand and one hundred and ninety-five acres or all of the unappropriated public domain remaining in the State of Texas of whatever character, and wheresoever located, including any lands hereafter recovered by the State, except that included in lakes, bays and islands along the Gulf of Mexico within tide water limits, whether the same be more or less than said four million, four hundred and forty-four thousand one hundred and ninety-five acres; provided, this act shall not have the effect to transfer to the school fund any of the lakes, bays and islands on the Gulf of Mexico within tide water limits whether surveyed or unsurveyed.

SEC. 2. In payment of any balance due said school fund, after the granting of the lands provided in Section 1 of this act, there is hereby granted and appropriated the sum of seventeen thousand, one hundred and eighty and twenty-seven one-hundredths dollars, out of any money in the State treasury not otherwise appropriated, to pay said school fund, and the Comptroller is authorized and required to draw a warrant for said amount on the general fund payable to the school fund, in full and final payment of any balance due said fund from the State of Texas, and the Treasurer shall, upon receipt of such warrant, transfer said amount to said school fund.

SEC. 3. All lands set apart and appropriated by this act shall immediately become a part of the permanent school fund, and when surveyed and sectionized, as herein provided, and classified and valued by the Commissioner of the General Land Office, shall be subject to sale in the manner now provided by law for sale of surveyed school lands, except where otherwise provided by this act. Tracts of unsurveyed land, containing more than twenty-five hundred and sixty acres shall be surveyed and sectionized under the direction of the General Land Office before being placed upon the market for sale in the following named counties, to-wit: Andrews, Crane, Ector, El Paso, Gaines, Loving, Reeves, Ward, Winkler, Cochran, Hansford, Hartley, Hockley, Kent, Lynn, Sherman and Terry; provided, said land may be leased without being sectionized, classified and surveyed; and provided further, that said land when leased or sold shall be leased and sold on the same terms, conditions and limitations as now provided by law for the sale and lease of other school land.

SEC. 4. For the purpose of surveying and sectionizing unsurveyed tracts of land containing more than 2560 acres in the counties named in Section 3, the Commissioner of the General Land Office is authorized and empowered to employ such number of surveyors as he shall deem necessary to survey, sectionize and return field notes into the General Land Office of such lands. Such surveyor, if not already under bond, as county or district surveyor or surveyors, shall, before making such survey, execute a

good and sufficient bond in the sum of ten thousand dollars, to be approved by the Commissioner of the General Land Office, and payable to the Governor of Texas, conditioned for the faithful performance of his duties as State surveyor. For the purpose of surveying and sectionizing any unsurveyed land there is appropriated the sum of ten thousand dollars, or so much thereof as may be necessary, out of any monies not otherwise appropriated, to be expended by the Commissioner of the General Land Office.

SEC. 5. All tracts or parcels of land, under the provisions of this act, containing 640 acres or less, and which is now or may hereafter become detached from other public lands may be sold at not less than \$1.00 per acre, cash, without the condition of actual settlement, as now provided by law relating to the sale of other public school lands; and in all cases where the land appropriated by the foregoing provisions of this act to the public school fund shall consist of tracts of less than 640 acres, isolated and detached, from other public lands, and not heretofore surveyed and classified as school lands, and being vacant lands, lying between older surveys, and such vacancy not disclosed by the lithograph maps of the county in which such land is situated, and lying within an enclosure, then the county surveyor of the county where said land is situated, shall be notified by the Commissioner of the General Land Office, whenever said vacancy shall be ascertained, and that the same is offered for sale and the price thereof, and for the period of six months after such notice said owner of said enclosure shall have the prior right to purchase on the terms fixed by said Commissioner.

SEC. 6. Any person desiring to purchase any portion of the land herein appropriated to the public school fund out of a tract containing 2560 acres, or less, shall first make to the surveyor of the county or district in which the land, or a part thereof, is situated, written application, signed and sworn to by the said applicant, giving his postoffice address, and designating the land he desires to purchase by metes and bounds, as near as practicable, and stating that he desires to have said lands surveyed with the intention of purchasing the same, and that he is not acting in collusion with or attempting to acquire said land for any other person, stating therein whether or not he is claiming any preference right to purchase, and the nature of such preference right. It shall be the duty of the surveyor to file and record such application, and, within sixty days of the filing thereof, to survey said land in accordance with the directions of the Commissioner of the General Land Office, into a section or sections, of one mile square each, whenever practicable, in case one or more sections are applied for; and in all cases such land shall be surveyed in a square or rectangular shape whenever practicable, and within thirty days of the date of said survey the surveyor shall certify to, record and plat the field notes of the same, and return same and the application to the General Land Office, and he shall state whether or not the land is agricultural, grazing or timbered, and if timbered the probable value of the land. The applicant shall pay to the surveyor one dollar for filing and recording said application, and shall pay such other fees as are now or may be provided by law for surveying lands. If the Commissioner of the General Land Office finds that the field notes are correct, and that the survey has been made according to law, he shall at once approve and file said field notes.

and classify and value the land as the law requires, and notify, by mail, the applicant that the land is on the market for sale, stating the classification and value thereof; and within sixty days of the mailing of said notice the applicant shall make application and affidavit to purchase said land, describe said land sought to be purchased in accordance with field notes approved by the Commissioner of the General Land Office and make first payment to the State Treasurer, and execute his obligation for the unpaid purchase money in the manner provided by law for surveyed school lands; provided, if the lands sought to be purchased is detached lands, as defined in Section 5 of this act, the affidavit shall not be required to state that he desires the same for a home or that he is actually settled thereon. If, on the expiration of sixty days from the giving of notice of classification and valuation, the Commissioner of the General Land Office shall not have received the application to purchase such lands as herein provided, then he shall place said lands on the market for sale as other surveyed school lands.

SEC. 7. In the sale of the unsurveyed lands of the State the Commissioner shall give a preference right to purchase at not less than one dollar per acre for six months from and after this act takes effect to applications made by the following purchasers, in the order named, to wit: First, to all applicants for 160 acres or less, who were actual settlers upon said lands on January 1, 1900, who settled upon and had homestead donations surveyed prior to May 23, 1898, and who from any cause cannot procure patent thereto under the provisions of this act. Second, to all actual settlers on four sections or less amounts of such lands, who were such actual settlers on January 1, 1900, holding the same under lease, from the State of Texas. Third, to all actual settlers upon four sections or less, who were such actual settlers on January 1, 1900. Fourth, to all actual settlers who reside upon and are owners of less than four sections of school lands within a radius of five miles of such unsurveyed lands, for such amount thereof as will complete such settler's complement of four section, where such purchaser had such land surveyed prior to January 1, 1900, and attempted to purchase or lease such lands. Fifth, to all leaseholders of unsurveyed lands to the amount of four sections or less, who were lessees of such lands from the State of Texas on January 1, 1900, either directly or assignee of the original lessee; provided, that in case there is a conflict in leases issued by the State, and each lessee and his assignee applies to purchase the same land within the time provided herein, then, and in that event, the preference right shall be given to the lessee or his assignee, to purchase that portion of said land in his actual possession on January 1, 1900; provided, that such purchasers under any of these preference right clauses must make an application and settlement, and reside on said lands in accordance with the law now relating to the sales of surveyed school lands, when such applicant seeks the benefit of such preference right, except in the purchase of detached lands as herein defined, when actual settlement shall not be required; provided further, that in the event such land is a part of a tract of more than 2560 acres, such preference rights shall exist to purchase for a period of ninety days after the land is surveyed and classified by the Commissioner of the General Land Office.

SEC. 8. When any of the lands described in this act, or any of the

other public lands of the State held or owned by any fund, or any lands in which this State, or any such funds have an interest, are held, occupied or claimed by any person or association or corporation, adversely to the State, or to such fund, it shall be the duty of the Attorney-General to institute suit therefor, together for rent thereon, for any damages thereto, and for the purpose of any such suits for such lands, or affecting the title thereto or right growing out of the same, the venue thereof is fixed in Travis county, Texas, concurrently with the county of defendant's residence, and the courts of said county shall have the same jurisdiction over the defendant and the subject matter of the same as if such defendant resided, and such property was situated in said county.

SEC. 9. The Commissioner of the General Land Office is hereby directed to issue patents to all homestead claimants, preemptors and other persons who settled upon said lands or purchased the same and had the field notes thereto returned to and actually filed in said Land Office prior to May 23, 1898, where the law under said settlement, pre-emption or purchase was made is complied with and patent could legally issue thereto had it not been for the decision of the Supreme Court of the State of Texas in case of *Hogue vs. Baker*, rendered on May 23, 1898; provided, proof of occupancy shall be filed in the Land Office and payment of patent fees made and patent applied for on or before January 1, 1902.

SEC. 10. That Section 2, of Chapter 173, of the Acts of the Regular Session of the Twenty-sixth Legislature, approved June 5, 1899, being "An Act to authorize the issuance of patents to lands theretofore applied for and purchased as public domain, and to provide for the disposition of the proceeds," be and the same is hereby repealed.

SEC. 11. Where any person not a corporation has bought lands from the person, firm or corporation who originally located such land and paid full value therefor without actual knowledge of any defect in the title of said land prior to the institution of proceedings on the part of the State to recover such lands, and not having been made a party to such suit, or have filed the proof as required by Section 3a, Chapter LXXXI, page 123, Laws of 1899, such person, their heirs and assigns, shall have the right to buy such lands at not less than one dollar per acre, upon the terms prescribed by law, without the condition of settlement, for sixty days after the taking effect of this act; provided, that the money to be paid for the land sold shall go to the school fund.

SEC. 12. The field notes of the land surveyed by authority of this act shall be filed in the surveyor's offices in the several counties where they are made, by the surveyors making such surveys, and recorded in said offices by the surveyors of such counties who shall forward the field notes to the General Land Office after so recording them, and be paid therefor, on the approval of the Commissioner of the General Land Office, the sum of thirty cents for each field note so recorded.

SEC. 13. The fact that the titles of a large number of citizens of this State to their lands are clouded by the controversy between the State and school fund, and that said school fund is not getting the benefit it is entitled to out of its part of said land, creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days, therefore, such rule is hereby sus-



pending, and this act shall go into effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, yeas 20, nays 2, and was reported to the House where it was amended and passed, no vote given; Senate refused to concur in House amendments and asked for Free Conference Committee; Free Conference Committee report adopted by the Senate, no vote given, and adopted by the House, no vote given.]

Approved February 23, 1900.

Takes effect 90 days after adjournment.

## RESOLUTIONS.

### INLAND WATERWAY RESOLUTION.

#### S. C. R. No. 1.] SENATE CONCURRENT RESOLUTION.

Whereas, Captain C. S. Riche, of the United States engineer corps, in charge of the improvements made and to be made on the coast of Texas by the United States government, has, under an act of Congress, with commendable zeal and ability examined into the feasibility of constructing an inland waterway by connecting the bays on the coast with a canal, thereby increasing the facilities for transportation and giving the inhabitants of the coast the benefit of cheap water rates, and he has, after full examination, reported that such a waterway can be easily and cheaply constructed, and will be of sufficient general benefit to justify the expenditure by the government of the amount necessary for its construction; and

Whereas, this inland waterway would furnish transportation facilities to the people of the entire coast; and

Whereas, the nearest railroad running parallel to the Gulf of Mexico is from fifty to one hundred miles from the coast; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that our Senators and Representatives in Congress are requested to support the report of Captain Riche, and endeavor to obtain the appropriation recommended by him as necessary for the purpose.

Approved February 7, 1900.

### JOHN B. HOOD CAMP OF CONFEDERATE VETERANS.

#### S. C. R. No. 2.] SENATE CONCURRENT RESOLUTION.

Whereas, at the Regular Session of the Twenty-fourth Legislature of Texas permission was granted the John B. Hood Camp of Confederate Veterans to erect a monument to the Confederate dead on the capitol grounds in the city of Austin, in the language following:

Be it resolved by the Senate, the House of Representatives concurring, That John B. Hood Camp of Confederate Veterans be and they are hereby granted permission to erect a monument to the Confederate dead on the capitol grounds in the city of Austin, and that the Superintendent of Public Buildings and Grounds be authorized, in conjunction with the committee appointed by said camp, to select a site for said monument;

And whereas, the committee of said camp, in conjunction with the former Superintendent of Public Buildings and Grounds, has selected the site for said monument not on the capitol grounds, as contemplated by said resolution, but at the base of the walk, and in the center thereof, leading from the capitol building to Congress Avenue:

And whereas, it is contemplated soon by said John B. Hood Camp of

Confederate Veterans to erect said monument, which will be eighteen feet long, twelve feet wide and thirty-two feet high, in said walk or way leading from said capitol building;

And whereas, said monument will materially obstruct the view of the capitol building and the way leading to the capitol;

And whereas, it was not contemplated by the Legislature that said monument should be placed in the walk or way to the capitol building;

Therefore, be it resolved by the Senate, the House of Representatives concurring, that the Superintendent of Public Buildings and Grounds, be and he is hereby directed to prevent the obstruction in any manner of the way or walk leading from the capitol building to Congress Avenue, and to prevent the erection of said monument at the place selected.

Approved February 20, 1900.

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**SPECIAL LAWS**  
**OF**  
**THE STATE OF TEXAS**

**PASSED AT THE**  
**FIRST CALLED SESSION**

**OF THE**  
**TWENTY-SIXTH LEGISLATURE**

**CONVENED AT THE**  
**CITY OF AUSTIN, JANUARY 23, 1900,**

**AND**  
**ADJOURNED FEBRUARY 21, 1900,**

**TOGETHER WITH THE**  
**GOVERNOR'S PROCLAMATION AND MESSAGES.**



**D. H. HARDY, SECRETARY OF STATE.**



# SPECIAL LAWS OF TEXAS.

FIRST CALLED SESSION

TWENTY-SIXTH LEGISLATURE, 1900.

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## DALLAS CITY CHARTER—AMENDMENT.

S. B. No. 16.]

CHAPTER I.

An Act to amend Sections 12, 56, 77, 119 and 120 of an act entitled "An Act to incorporate the city of Dallas, and to grant it a new charter," approved May 9, 1899.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 12 of a special act of the Twenty-sixth Legislature, Regular Session, approved May 9, 1899, entitled "An Act to incorporate the city of Dallas and to grant it a new charter, be and the same is hereby amended so as to hereafter read as follows:

"Section 12. Said election shall be ordered by the mayor or the city council. For the purpose of holding such election and others ordered, the city council shall have power to divide any ward of the city into any number of voting precincts or blocks, not to exceed one such voting place for each 500 qualified voters, according to the returns of the last general city election, and shall have power to appoint some suitable person to act as presiding officer of all elections held in each of said voting precincts. The boundaries of such voting precincts or blocks shall be distinctly and clearly defined in the ordinances creating the same, as well as the places of voting therein, and such voting precincts shall be created and established biennially preceding each general city election; provided, that no person shall vote outside of the voting precinct or block in which he resides at the time the election is held; and provided further, that at the first general city election under this act the number of voting precincts in each ward shall not exceed three, and the division into voting precincts shall be made so as to secure, as nearly as practicable, an equal voting strength in the several voting precincts of each ward."

SEC. 2. That Section 56 of said special act named in the foregoing section be and the same is hereby amended so as to hereafter read as follows:

"Section 56. To prevent the encumbering of streets, alleys, sidewalks, and public grounds with carriages, wagons, carts, hacks, buggies or other vehicles, or with boxes, timber, firewood, posts, awnings, signs or anything whatever, in any manner whatever; to compel all persons to keep all weeds, filth, rubbish, trash of every kind from their premises and from the sidewalks, streets and gutters in front of the premises occupied by them, and to pass all ordinances necessary to enforce such things; to provide for, establish and maintain a free public library within said city, and to co-operate with any person, firm or corporation under such terms

as the council may prescribe for the establishment and maintenance of such free public library, and to that end the city council shall have power to annually appropriate out of the general revenues of the city a fund not to exceed four thousand dollars per annum."

SEC. 3. That Section 77 of said special act, approved May 9, 1899, be and the same is hereby amended so as to hereafter read as follows:

"Section 77. All receipts and revenues from the waterworks shall constitute a separate and sacred fund, which shall never be diverted or drawn upon for any other purpose than the extension, improvement, operation, maintenance, repair and betterment of the waterworks and water supply, and sewer system of the city; but the city council, subject to the approval of the board of commissioners, as is elsewhere provided in this charter, may appropriate or pledge said receipts and revenues for the purpose of extending, improving, operating, maintaining and bettering the waterworks plant and mains and supply, and for constructing and extending lateral sewers, and also for the purpose of discharging or retiring the indebtedness of the city incurred or accrued for waterworks purposes; provided, that if at any time the receipts of the waterworks shall be in excess of the necessities and expenses for the extension, improvement, operation, maintenance and bettering of the same and of the water supply and the sewer system of the city, it shall be the duty of the city council to at once reduce the water and sewer rates to consumers in proportion to such excess."

SEC. 4. That Section 119 of said special act named in first section of this act be and the same is hereby amended so as to hereafter read as follows:

"Section 119. The city council shall have power to provide by ordinance for funding the whole or any part of the existing debts of the city or any future debt, by canceling the evidences thereof, and assuring the holders or creditors notes or bonds in lieu thereof, with coupons attached, bearing interest not to exceed the rates of the original bonds or evidences of indebtedness."

SEC. 5. That said Section 120 of said special act of May 9, 1899, be and the same is hereby amended as to hereafter read as follows:

"Section 120. The council shall have power to appropriate so much of the general revenue of the city for the purpose of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the streets, constructing sewers, erecting and maintaining public buildings of every kind, waterworks, and for the purpose of erecting, maintaining and operating an electric light plant, etc., as the council may from time to time deem expedient; and in furtherance of any or all of these objects the city council shall have the right and power to borrow money upon the credit of the city, and to issue coupon bonds therefor, in such sum or sums as may be deemed expedient, to bear interest not to exceed six per cent. per annum, payable semi-annually, at such place or places as may be designated by the city ordinance; provided, that the aggregate amount of said bonds shall at no time exceed the sum of two million dollars; provided further, that nothing in this section shall prohibit the issuance of bonds necessary to construct a crematory not to exceed \$15,000, and to improve streets not to exceed \$35,000, and to construct an electric light plant not to exceed \$50,000; and provided further, that

nothing in this section shall prohibit the issuance of bonds for the cost and expense of extending, improving, maintaining and operating waterworks, water supply and a sewer system, adequate to the necessities of the city, not to exceed one hundred thousand dollars. The proposition to issue new or additional bonds, as authorized in this section, as well as the amount of such issuance, and the specific purpose of the same, shall be first submitted to a vote of the qualified voters of the city, who are property taxpayers in said city, at an election to be held for that purpose, the time, place and manner of said election, and the making of the returns and declaring the result thereof to be prescribed by ordinance as nearly in accord with the laws regulating regular city elections, as may be practicable, and unless a majority of the qualified taxpayers, voting in such election, are in favor of the issuance of such bonds the same shall not be issued."

SEC. 6. Whereas, the near approach of the end of the session, and the importance of the legislation herein provided for, and the fact that the city of Dallas is now without sufficient waterworks to adequately supply the city, and without sufficient voting boxes to hold the forthcoming election, create an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 29, nays 0; and passed the House of Representatives by two-thirds vote, yeas 101, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the nineteenth day of February, A. D., 1900, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and the Legislature having adjourned before the expiration of ten days after it was presented to him and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Became effective \_\_\_\_\_, 1900.

## SAN ANTONIO CITY CHARTER—AMENDMENT.

H. B. No. 18.]

### CHAPTER II.

An Act to amend Sections 43 and 45 of an act incorporating the city of San Antonio, approved August 13, 1870, and of all acts amendatory thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Sections 43 and 45 of the charter of the city of San Antonio be so amended as hereafter to read as follows:

"Section 43. To borrow money on the credit of the city and issue bonds therefor for permanent public improvements; and every proposition to borrow money, as aforesaid, shall be submitted to the qualified taxpaying

voters of the city, and shall distinctly specify the purposes for which the loan is desired, and the permanent public improvement to be constructed, and if said proposition be sustained by a majority of said votes cast, such loan shall be lawful. All bonds shall specify for what purpose they were issued, and when sold shall net the city not less than their par value with accrued interest to date of payment of proceeds into the city treasury; and the bonds shall be negotiated in lots, as the city council may determine and direct; provided, that no debts shall be contracted for the payment whereof such bonds, or lot thereof, are issued, until such bonds, or lot of bonds, shall have been disposed of and the proceeds thereof paid into the city treasury; and no debt shall ever be created by said city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two (2) per cent. thereon, which fund shall not be diverted or drawn for any other purpose, and the city treasurer shall honor no draft drawn on said fund, except to pay the interest or to redeem the bonds for which it was provided; provided, the rate of tax shall not exceed fifty-five (55) cents on the one hundred (100) dollars valuation, and the rate of interest paid shall not exceed six (6) per cent.; provided, also, no loan shall be made for any other purpose or purposes than those connected with the corporation of said city, and no loan shall be made to aid any private enterprise, railroad or undertaking, not under the management or control of the city council; provided further, that the sinking fund for the redemption of any loan or debt shall be invested as fast as the same accumulates in United States interest-bearing bonds, bonds of the State of Texas, or in bonds of said city, and the interest of such bonds shall be re-invested, and such bonds shall be sold, when necessary, to pay the interest or principal of the bonds issued under the provisions of this section.

"Section 45. To appropriate and provide for the payment of the debts and expenses of the city, and to issue refunding bonds for the purpose of redeeming bonds bearing a higher rate of interest, or paying matured bonds; provided, that the bonded debt of the city shall not be increased nor other evidence of debt be issued, unless authorized by a vote of the property taxpayers, as hereinbefore provided. The fiscal year shall commence on the first day of June and terminate on the last day of May following; provided further, that the bonded debt of the city shall never exceed eight (8) per cent. of the total assessed value of property of the city, according to the last assessment roll."

SEC. 2. The fact of the near approach of the end of the session creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 103, nays 2; and passed the Senate by a two-thirds vote, yeas 23, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twentieth day of February, A. D. 1900, but was not signed by him nor returned to the house in which it originated with objections thereto within the time prescribed by the Constitution, and the Leg-

islature having adjourned before the expiration of ten days after it was presented to him, and he not having filed objections thereto with the Secretary of State within the time prescribed by the Constitution, it thereupon became a law without his signature.—D. H. HARDY, Secretary of State.]

Takes effect \_\_\_\_\_, 1900.

## CERTIFICATE.

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THE STATE OF TEXAS, { ss.  
DEPARTMENT OF STATE. }

I, D. H. Hardy, Secretary of State of the State of Texas, do hereby certify that the foregoing general and special laws passed at the First Called Session of the Twenty-sixth Legislature have been carefully examined and compared by me with the original enrolled bills now on file in this department, and are true copies of said original enrolled bills.

I do hereby further certify that the said First Called Session of the Twenty-sixth Legislature convened in the city of Austin on the 23rd day of January, A. D. 1900, and adjourned on the 21st day of February, A. D. 1900.

In testimony whereof, I have hereto subscribed my name and have hereto affixed the seal of the State of Texas in the city of Austin, this 14th day of March, A. D. 1900.

D. H. HARDY,  
Secretary of State.

[SEAL.]



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**GENERAL LAWS**  
**OF**  
**THE STATE OF TEXAS**  
**PASSED AT THE**  
**REGULAR SESSION**  
**OF THE**  
**TWENTY-SEVENTH LEGISLATURE**  
**CONVENED AT THE**  
**CITY OF AUSTIN, JANUARY 8, 1901,**  
**AND**  
**ADJOURNED APRIL 9, 1901.**



**AUSTIN, TEXAS:**  
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# GENERAL LAWS OF TEXAS.

## TWENTY-SEVENTH LEGISLATURE, 1901.

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### MILEAGE AND PER DIEM OF MEMBERS—TWENTY-SEVENTH LEGISLATURE.

H. B. No. 1.]

#### CHAPTER I.

An Act appropriating one hundred and ten thousand dollars (\$110,000) to pay mileage and per diem of members, and per diem of officers and employes of the Twenty-seventh Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of one hundred and ten thousand dollars (\$110,000) be and the same is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the mileage and per diem of members, and per diem of officers and employes of the Twenty-seventh Legislature.

SEC. 2. There now being no funds to pay the members and officers of the Twenty-seventh Legislature, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended, and this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by a two-thirds vote, yeas 108, nays 0; and passed the Senate by a two-thirds vote, yeas 23, nays 0.]

Approved January 11, 1901.

Became a law January 11, 1901.

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### CONTINGENT EXPENSES—TWENTY-SEVENTH LEGISLATURE.

H. B. No. 2.]

#### CHAPTER II.

An Act appropriating twenty thousand dollars (\$20,000) to pay the contingent expenses of the Twenty-seventh Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of twenty thousand dollars (\$20,000) be and the same is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the contingent expenses of the Twenty-seventh Legislature.

SEC. 2. There now being no funds to pay the expenses of the Twenty-seventh Legislature, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring all bills to be read on three several days, and said rule is so suspended, and this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 113, nays 0; and passed the Senate by two-thirds vote, yeas 23, nays 0.]

Approved January 11, 1901.

Became a law January 11, 1901.

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## TWENTY-EIGHTH JUDICIAL DISTRICT.

S. B. No. 20.]

### CHAPTER III.

An Act to reorganize the 28th Judicial District, transferring the county of Duval from the 49th to the 28th Judicial District, and fixing the times of holding the terms of the district court therein.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the 28th Judicial District shall hereafter be composed of the counties of Cameron, Hidalgo, Starr, Duval and Nueces.

SEC. 2. That the terms of the district court shall hereafter be held in said district as follows:

In Cameron county on the first Monday in February and September, and continue in session four weeks.

In Hidalgo county on the fourth Monday after the first Monday in February and September, and continue in session two weeks.

In Starr county on the sixth Monday after the first Monday in February and September, and continue in session two weeks.

In Duval county on the eighth Monday after the first Monday in February and September of each year, and continue in session two weeks.

In the county of Nueces on the tenth Monday after the first Monday in February and continue in session eight weeks, and on the tenth Monday after the first Monday in September and continue in session four weeks.

SEC. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 4. The fact that the term of the district court of Nueces county now in session commencing on the first Monday in January and continuing for five weeks will conflict with the time of holding court in Cameron county as herein fixed, creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and that this act come in force and effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 25, nays 0; and passed the House of Representatives by two-thirds vote, yeas 89, nays 0.]

Approved January 21, 1901.

Became a law January 21, 1901.

## TWENTY-THIRD JUDICIAL DISTRICT.

S. B. No. 36.]

## CHAPTER IV.

An Act to regulate the terms and to fix the times for holding the district court in the 23rd Judicial District of Texas, and to regulate and validate the returns of all writs and processes heretofore and hereafter issued from the district courts of said judicial district, and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the 23rd Judicial District of Texas shall be composed of the counties of Brazoria, Fort Bend, Jackson, Matagorda, Waller and Wharton, and the terms of the district court to be held therein shall be held as follows:

1st. In the county of Brazoria, on the second Monday in February and the first Monday of September of each year, and may continue in session four (4) weeks.

2nd. In the county of Waller on the fourth Monday after the second Monday in February and on the fourth Monday after the first Monday in September of each year, and may continue in session four weeks.

3rd. In the county of Fort Bend on the eighth Monday after the second Monday in February and on the eighth Monday after the first Monday in September of each year, and may continue in session four weeks.

4th. In the county of Wharton on the twelfth Monday after the second Monday in February and on the twelfth Monday after the first Monday in September of each year, and may continue in session four weeks.

5th. In the county of Jackson on the sixteenth Monday after the second Monday in February and on the seventeenth Monday after the first Monday in September of each year, and may continue in session two weeks.

6th. In Matagorda county on the eighteenth Monday after the second Monday in February and on the nineteenth Monday after the first Monday in September of each year, and may continue in session two weeks.

SEC. 2. All writs and processes heretofore issued or hereafter issued from the district courts of any of the counties of the Twenty-third Judicial District are hereby validated and they shall be returnable to their respective terms of said courts as by this act specified.

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 4. The present condition of the terms of the courts in the 23rd Judicial District creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is hereby suspended and this act shall take effect and be in force from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 0; and passed the House of Representatives by two-thirds vote, yeas 91, nays 0.]

Approved January 22, 1901.

Became a law January 22, 1901.

## TAXES—EXTENDING TIME OF PAYMENT IN CERTAIN COUNTIES.

H. B. No. 153.]

## CHAPTER V.

An Act to extend the time of the payment of the State and county taxes for the year 1900 in the counties of Brazoria, Colorado, Galveston, Grimes, Matagorda, Fort Bend, Harris, Waller, Austin, Wharton, Jackson, Chambers, Brazos, Burleson, Robertson, Montgomery and Washington for ninety days, from and after the first day of February, 1901.

Whereas, the counties of Brazoria, Colorado, Galveston, Grimes, Matagorda, Fort Bend, Harris, Waller, Austin, Wharton, Jackson, Chambers, Brazos, Burleson, Robertson, Montgomery and Washington, were, on the 8th day of September, 1900, visited by storm of unprecedented calamity whereby many lives were lost and property of great value destroyed and damaged and whereby a great number of people were left homeless and without resources either of property or money; and,

Whereas, it is contemplated that at the present session of the Legislature there will be enacted proper legislation for the permanent relief of the suffering people of the counties above named, but before such legislation can be had the tax collectors of said counties will under the law proceed to the enforced collection of the State and county taxes for the said counties, Brazoria, Colorado, Galveston, Grimes, Matagorda, Fort Bend, Harris, Waller, Austin, Wharton, Jackson, Chambers, Brazos, Burleson, Robertson, Montgomery, and Washington; therefore

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the time for the collection and payment of all county and State taxes in the counties of Brazoria, Colorado, Galveston, Grimes, Matagorda, Fort Bend, Harris, Waller, Austin, Wharton, Jackson, Chambers, Brazos, Burleson, Robertson, Montgomery and Washington for the year 1900, be extended for ninety days from and after the first day of February, 1901.

SEC. 2. The fact that there is now no law of the State of Texas conferring upon State and county tax collectors any power and discretion extending the time for the enforced collection of taxes, and the fact that the said collectors of taxes for the counties of Brazoria, Galveston, Grimes, Matagorda, Fort Bend, Harris, Waller, Austin, Wharton, Jackson, Chambers, Brazos, Burleson, Robertson, Montgomery, Washington and Colorado, respectively, will, on the first day of February, 1901, proceed to the enforced collection of the taxes of said counties for the year 1900, thereby inflicting upon the tax payers of said counties respectively great hardships and irreparable loss and damage, creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, therefore the said constitutional rule is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 100, nays 2; and passed the Senate by two-thirds vote, yeas 26, nays 0.]

Approved January 30, 1901.

Became a law January 30, 1901.

## LAND OFFICE—APPROPRIATION TO BUY STAMPS FOR.

S. B. No. 34.]

## CHAPTER VI.

An Act to appropriate the sum of \$225.00 for the use of the General Land Office to purchase stamps to enable said office to conduct business for the remainder of the year ending February 28, 1901.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of \$225.00 be and the same is hereby appropriated out of any monies in the State treasury, not otherwise appropriated, for the use of the General Land Office to buy stamps to enable said office to conduct business for the remainder of the year ending February 28th, 1901.

SEC. 2. The fact that the appropriation for the postal, telegraph and contingent expenses of the General Land Office will be exhausted on the 15th inst., and that the business of said office will be brought to a standstill unless this bill is passed immediately, creates an emergency and an imperative public necessity warranting the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 0; and passed the House of Representatives by two-thirds vote, yeas 114, nays 0.]

Approved February 1, 1901.

Became a law February 1, 1901.

## STONEWALL COUNTY—JURISDICTION OF COUNTY COURT.

S. B. No. 76.]

## CHAPTER VII.

An Act to restore and confer upon the county court of Stonewall county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of Stonewall county shall hereafter have exclusive original jurisdiction in civil cases wherein the matter in controversy shall exceed in value two hundred dollars and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district court of said county when the amount in controversy shall exceed five hundred dollars and shall not exceed one thousand dollars.

SEC. 2. Said court shall have appellate jurisdiction in civil cases over which the justice court have original jurisdiction when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars, exclusive of interest, and said county court shall have the power to hear and determine the cases brought up from the justice court

on certiorari, under the provisions of the Revised Statutes of 1895 relating thereto.

SEC. 3. The county judge of said county shall have authority either in term time or vacation to grant writs of injunction, sequestration, mandamus, garnishment, attachment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power upon the district court or the judge thereof.

SEC. 4. That said county court shall have and exercise the general jurisdiction of a probate court, shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business pertaining to the estate of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of the estate of deceased persons, and to apprentice minors as provided by the general laws, and to issue all writs necessary for the enforcement of the jurisdictions, orders and decrees.

SEC. 5. That said county court shall have jurisdiction in the forfeiture of all bonds and recognizances taken in criminal cases of which said court has original or appellate jurisdiction.

SEC. 6. Said county court shall have exclusive original jurisdiction of all misdemeanors except misdemeanors involving official misconduct and excepting those misdemeanors in which the highest penalty that may be imposed by law is a fine without imprisonment that does not exceed two hundred dollars, and said court shall have concurrent jurisdiction with that of the justice of the peace in criminal cases and appellate jurisdiction with trial de novo in criminal cases in which the justice of the peace and other inferior tribunal of said county have original or appellate jurisdiction.

SEC. 7. The district court of said county shall no longer have jurisdiction of misdemeanors except misdemeanors involving official misconduct, and shall no longer have jurisdiction of cases which the county court of said county by the provisions of this act has original or appellate jurisdiction.

SEC. 8. It shall be the duty of the district clerk of said county, within thirty days after this act shall take effect to make full and complete transcripts of all orders on the criminal and civil docket then pending before the district court of said county of said cases by the provisions of this act original and appellate jurisdiction is given to the said county court and to deliver said transcript, together with the original papers in each case, to the county clerk of said county, and the said county clerk shall file the same and enter said cases on their respective docket for trial by said court.

SEC. 9. The said county court shall have power to hear and determine all motions against sheriffs and other officers of the court for failure to pay over money collected under the process of said court or other defalcations of duty in connection with said process, and shall have power to punish by fine not exceeding one hundred dollars and by imprisonment in the county jail not exceeding two days, any person guilty of contempt of said county court, and all other powers and jurisdictions conferred on the county court by the Constitution and the general laws of the State.



SEC. 10. The terms of said court shall commence on the first Monday in February, and on the first Monday in May, and on the first Monday in August and on the first Monday in November of each year, and shall continue in session for each term until the business may be disposed of; provided, that the county commissioners court of said county may hereafter change the terms of said county court when it may be deemed necessary.

SEC. 11. All laws and parts of laws in conflict with this act, in so far as they relate to Stonewall county, Texas, be and the same are hereby expressly repealed. The crowded condition of the docket of the district court of Stonewall county creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and said rule is so suspended and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 26, nays 0; and passed the House of Representatives by two-thirds vote, yeas 112, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the first day of February, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Became a law February 13, 1901.

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## STOCK LAW—AMENDMENT.

S. B. No. 2.]

### CHAPTER VIII.

An Act to amend Section 1, of Chapter CLII, of the Acts of the Twenty-sixth Legislature, sent to the Governor for approval on the 27th day of May, 1899, amending Article 5001, Title 102, of the Revised Civil Statutes of the State of Texas, of 1895, relating to the stock law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the act of the Twenty-sixth Legislature of the State of Texas, amending Article 5001, Title 102, of the Revised Civil Statutes of the State of Texas, of 1895, the same being House Bill 847, on page 261, of the acts of the regular session of the Twenty-sixth Legislature, be, and the same is hereby amended so as to hereafter read as follows: Article 5001. The counties of Refugio, Aransas and Bee are exempted from the provisions of this chapter.

SEC. 2. The fact that the county of Cooke, where a stock law is absolutely necessary, was by mistake embraced in the act of the Twenty-sixth Legislature, exempting certain counties from the operation of Article 5001, and the fact that there is now no law in said Cooke county to determine whether sheep, hogs or goats shall be permitted to run at large in said county, or in a subdivision thereof, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is therefore

hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 0; and passed the House of Representatives by two-thirds vote, yeas 100, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-first day of January, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objection thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Became a law February 1, 1901.

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## STATE GOVERNMENT—REGULATING FISCAL YEAR.

H. B. No. 27.]

### CHAPTER IX.

An Act to amend Articles 2504, 2505, 2506 and 2507, of the Revised Civil Statutes of the State of Texas, regulating the termination of the fiscal year, requiring all appropriations made for the support of the State government to conform thereto, the time when the accounts of the public officers shall be closed and reports compiled, to whom the reports shall be transmitted and the date when, providing for the printing of the same by the Secretary of State and transmission of the printed copies to the Legislature, making reports of all officers uniform as to the termination of the fiscal year and the date when they shall close their accounts and compile and make their reports, and to repeal all laws or parts of laws in conflict with the same, by adding Article 2507a.

Whereas, under the act approved December 11, 1857, acts of the Seventh Legislature styled therein as Chapter 21, and entitled "An Act to change and provide a uniform time for the termination of the fiscal year of the several officers of the State," the termination of the fiscal year was fixed on the thirty-first day of August of each year, said act requiring all officers, who are required by law to report annually or biennially to the Legislature or Governor, to close their accounts on said date, and as soon thereafter as practicable to prepare and compile their respective reports; said act also requiring all such reports, intended for the use of the Legislature, to be transmitted by the respective officers to the Secretary of State on or before the first day of November before the assembling of the Legislature; and also requiring that the Secretary of State shall cause the same to be printed in accordance with the laws regulating public printing before the assembling of the Legislature; and also requiring that upon the organization of the Legislature the Secretary of State shall transmit to the presiding officers of both houses ten copies of each printed report for the use of the members of the Legislature; and

Whereas, subsequent to the enactment of said above named law other offices, departments and institutions have been created and other laws enacted requiring such particular officers to make their reports and to close their accounts and make their said reports at other and different dates than the one required by the said above named act, thereby repeal-

ing by implication so much of said act of 1857 as would affect the said officers, departments and institutions, and thereby causing confusion and want of uniformity in reference to the termination of the said fiscal year and the time within which said reports shall be compiled; and

Whereas, uniformity as to the termination of the fiscal year and the date of compiling their reports is desired, applying to all officers, departments and institutions alike, required by law to report annually and biennially to the Legislature and Governor aforesaid; and

Whereas, the appropriations made for the support of the State government should be for the same period as the fiscal year conforming thereto; therefore

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the said Title XLVII, of the Revised Civil Statutes of the State of Texas, shall be amended to read as follows:

Article 2504 (2436). The fiscal year of the State shall terminate on the thirty-first day of August of each year, and the appropriations made for the support of the State government shall conform thereto.

Article 2505 (2437). All officers who are required by law to report annually or biennially to the Legislature or Governor, shall close their accounts on said date, and as soon thereafter as practicable shall prepare and compile their respective reports.

Article 2506 (2438). All annual or biennial reports intended for the use of the Legislature or Governor shall be transmitted by the respective officers to the Secretary of State on or before the first day of November, and the Secretary of State shall cause the same to be printed in accordance with the laws regulating public printing, as soon as practicable; all biennial reports to be printed before the assembling of the Legislature.

Article 2507 (2439). Upon the organization of the Legislature the Secretary of State shall transmit to the presiding officers of both houses ten copies of each printed report for the use of the members of the Legislature.

Article 2507a. The purpose of this act is to require all appropriations for the support of the State government to conform to the fiscal year as provided in Article 2504; and all officers that are required by law to report annually or biennially to either the Legislature or Governor to close their accounts, transmit their reports at a uniform date; and all laws or parts of laws in conflict with this act are hereby repealed.

SEC. 2. Whereas, there is now no uniform law regulating or requiring reports of all the departments of the State, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 112, nays 0; and passed the Senate by two-thirds vote, yeas 26, nays 0.]

Approved February 12, 1901.

Became a law February 12, 1901.

## NORTH TEXAS NORMAL COLLEGE—ESTABLISHING.

S. B. No. 48.]

CHAPTER X.

An Act to amend Section 4 of an act entitled "An Act to provide for the establishment, maintenance and government of a State normal school, to be located at Denton, Texas, and be known as the North Texas Normal College," being Chapter LIII, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, approved March 31, 1899, and to regulate admission of students to said college, and provide for the maintenance of the same, and to declare an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Section 4 of an act entitled "An Act to provide for the establishment, maintenance and government of a State Normal School, to be located at Denton, Texas, and be known as The North Texas Normal College," being Chapter LIII of the General Laws of the State of Texas, passed at the regular session of the Twenty-sixth Legislature, approved March 31, 1899, be amended so as hereafter to read as follows:

Tuition in said normal shall be free to all students who are at least sixteen years of age, of good moral character, and who wish to prepare themselves for the profession of teaching, and it shall be the duty of the Comptroller of Public Accounts to set apart annually, beginning September 1st, 1901, out of the general revenue, the sum of twenty thousand dollars for the maintenance of said normal school, together with such other sums as may be appropriated by the Legislature for defraying a part of the expenses of the students appointed from year to year by Senators and Representatives, such sum or sums to be placed to the credit of such State normal school, and which shall be paid out upon warrants approved by the Governor and attested by the State Board of Education. The Board of Education is hereby authorized to receive from the agent of the Peabody Education Fund such sums as he may tender for the aid of the said State normal school, to be disbursed in such manner as may be prescribed by the donor. All State students attending such college shall sign a written obligation, in a book to be kept for that purpose, binding said student to teach in the public schools of this State for as long a period of time as they attend said college, for which teaching they shall receive the same compensation as other teachers, and said Board of Education shall make rules by which students may receive diplomas and certificates as qualifications as teachers, authorizing them to teach without further examination.

SEC. 2. The fact that there is now no law regulating and providing for the maintenance and operation of the North Texas Normal College, an institution created by the Twenty-sixth Legislature, and the further fact that in its present condition it is without value as a State institution, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 0; and reported to the House of Representatives, where it was amended and passed by two-thirds vote,

yeas 87, nays 10; Senate concurred in House amendments, yeas 18, nays 3.]

Approved February 18, 1901.

Takes effect ninety days after adjournment.

## EPILEPTIC ASYLUM.

H. B. No. 365.]

### CHAPTER XI.

An Act to amend Sections 7, 8 and 10 of "An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor," passed by the Twenty-sixth Legislature of the State of Texas, and approved February 9, 1899; and to repeal an act of the First Called Session of the Twenty-sixth Legislature on the same subject, approved February 20, 1900, and all other laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Sections 7, 8 and 10 of "An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor," passed by the Twenty-sixth Legislature of the State of Texas, and approved February 9th, 1899, be amended so as to read as hereinafter set out; and that the act of the first called session of said Twenty-sixth Legislature on the same subject, approved February 20th, 1900, and all other laws in conflict herewith be, and the same are hereby repealed:

"Section 7. That there shall be constructed upon said grounds, so selected, suitable and permanent buildings, consisting of an administration building, hospital, and cottages for epileptics, together with the necessary equipments for furnishing water, heat, light, sewerage, ventilation, and other necessary appurtenances and contingencies, together with one laundry of sufficient capacity for the needs of said asylum. That said buildings be built of rock or Texas made brick, and sufficiently plain and economical in construction as not to cost exceeding \$200,000. The Governor shall, as soon as possible after the passage of this act, together with the Comptroller and State Treasurer, receive bids for the construction of said buildings and other improvements mentioned herein, and shall accept the lowest reasonable bids made for said construction, within the limits hereinbefore mentioned, who shall give a good and sufficient bond for the completion of said improvements, according to the contract entered into by them; provided, that said board shall have the right to reject any and all bids as they may see proper."

"Section 8. That there shall be, and is hereby appropriated out of the general revenue of the State not otherwise appropriated, the sum of \$75,000 for the fiscal year 1901, and the further sum of \$125,000 accruing for the fiscal year 1902, for the erection of said buildings and other improvements and fixtures mentioned in Section 7 of this act, as may be necessary towards building, equipping, establishing and operating said asylum, and for contingent expenses."

"Section 10. The commissioners appointed by the Governor shall select the site for said asylum at or near the city of Abilene; provided,

that the city of Abilene shall donate to said asylum 640 acres of good arable land within three miles of said city, and at a convenient distance to the lake, to be determined by said commissioners, and shall agree and bind itself to furnish said asylum, for a period of seventeen years, all the water said asylum may need, for any purpose whatsoever, at a rate not to exceed  $2\frac{1}{2}$  cents for each 1000 gallons—said water to be pure and healthy—and to be furnished in the lake, and pumped and taken out of the lake by said asylum; and provided further, that said city shall also bind itself, by proper and legal agreement, that water shall after the expiration of said seventeen years, be furnished in said lake to said asylum free of any charge whatsoever, but should said city fail or refuse to make said donation of land and water, as hereinbefore provided, then the board of construction appointed by the terms of this bill, shall be free to select said site anywhere in Texas, subject to said terms and conditions as the Governor may require."

SEC. 2. Whereas, there are about two hundred epileptic insane in the several asylums of the State who are in great need of separation from the other insane at the asylums; and whereas, there are also about two hundred epileptic insane throughout the State who are in great need of care and treatment, and cannot be admitted into the several asylums of the State on account of the crowded condition of said asylums, therefore, an emergency and an imperative public necessity exists which makes it necessary that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 96, nays 0; and passed the Senate by two-thirds vote, yeas 22, nays 0.]

Approved February 21, 1901.

Became a law February 21, 1901.

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## MEDICINE—REGULATING THE PRACTICE OF.

H. B. No. 173.]

### CHAPTER XII.

An Act to repeal Title LXXXII, of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act: To license physicians and surgeons and endeavor to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Title LXXXII, Articles 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3788, 3789, of the Revised Statutes of Texas, be and are hereby repealed, and the following be enacted:

SEC. 2. There shall be established three boards of medical examiners for the State of Texas, to be named and styled "the Board of Medical Examiners for the State of Texas," "the Board of Eclectic Medical Examiners for the State of Texas," and "the Board of Homeopathic Medical Examiners of the State of Texas," said boards to consist of nine members each, whose terms of office shall be for two years or until

their successors have been appointed and qualified; provided, that no member shall be a professor or teacher in any medical school.

SEC. 3. The said boards shall each consist of men learned in medicine and surgery now in active practice, who shall have resided in the State of Texas, and shall have practiced medicine for not less than five years prior to their appointment, having complied with the laws relating to the practice of medicine already in force in the State of Texas, and shall be appointed by the Governor on the tenth day of May following his inauguration, from a list of names twice the number to be appointed, to be furnished him and recommended by the Texas State Medical Association, the Eclectic Medical Society of the State of Texas, the Homeopathic Medical Society of the State of Texas; provided, however, in case the Governor shall consider any of the persons so recommended unsuitable he may decline to appoint any such person or persons, and communicate the fact to the presiding officer of the society presenting the nomination, and such society shall, within sixty days thereafter, make other recommendations; and provided, that no one shall be eligible to appointment or service on such medical board who is addicted to intoxication or the habitual use of morphine, cocaine, or other such drugs. Vacancies occurring in such board shall be filled from the list already in the hands of the Governor for unexpired terms.

SEC. 4. The members of such boards shall qualify by taking the usual oath of office before the county judge of the county in which they shall respectively reside. The officers of said board shall be a president, vice-president, and secretary, who shall also act as treasurer. Six members shall constitute a quorum. Regular meetings of the boards shall be held at least twice a year at such times and places as the boards may from time to time determine. Due notice of said meetings shall be given by publication in such papers as may be selected by the boards. Special meetings may be held upon the call of the president and two members. The board may prescribe rules, regulations and by-laws for their own proceedings and government, and for the examination by its members of applicants for the practice of medicine, surgery and midwifery.

SEC. 5. It shall be the duty of said boards at any of their meetings to examine all persons making application to them who shall desire to commence the practice of medicine, surgery, midwifery in this State, and who shall not by the provisions of this act be exempt from such examination, and when an applicant shall have passed a satisfactory examination a certificate signed by all members of the board shall be issued to said applicant entitling him or her to practice medicine, surgery, obstetrics in the State of Texas and shall have affixed to it the seal of the State of Texas.

SEC. 6. In case any applicant shall fail to pass a satisfactory examination he or she shall not be permitted to stand any further examination within one year thereafter, and in no event shall an applicant who stands rejected by one of said boards be examined or licensed by either of the other boards. If an applicant desires to practice a system not represented by any of the boards hereby established, he or she may elect for himself or herself the board before which he or she will appear for examination; provided, that no applicant shall be rejected because of his or her adherence to any particular school of medicine or system of practice, nor on account of his or her views as to the method of treatment, and cure of

disease; and provided further, when in the opinion of the presidents of the boards any applicant has been unavoidably prevented from appearing before the board at their regular meeting, said president shall, upon notification appoint a committee of three members to examine such applicant and if the examination be satisfactory notify the secretary, who shall issue him or her a temporary certificate, which shall have the same force and effect as though granted by the full board until the applicant shall have the opportunity to appear before the board at its next regular meeting when said temporary certificate shall become void. No applicant shall be admitted to examination who cannot submit satisfactory evidence that he or she is more than twenty-one years of age, and is of good moral character. Applications for license must be made in writing and presented to the president or secretary of the board before which the applicant desires to appear and must be accompanied by a fee of fifteen dollars; provided, when an applicant desires to practice midwifery alone the fee shall be five dollars.

SEC. 7. The boards of examiners shall keep a record of their proceedings in a book kept for that purpose, showing name, age, place and duration of residence of each applicant, the time spent in medical study in or out of medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine; said register shall show also whether said applicant was rejected or licensed and shall be prima facie evidence of all matters contained therein.

SEC. 8. From and after the passage of this amendment it shall be unlawful for any person to practice medicine, surgery or obstetrics in this State except: First, all those who were practicing medicine in Texas prior to January 1st, 1885. Second, all those who began the practice of medicine in this State after the above date who have complied with the laws of this State regulating the practice of medicine in force prior to the passage of this act; provided, that those who had diplomas recorded since January 1, 1891, shall present to the State Boards of Medical Examiners herein provided for satisfactory evidence that their diplomas were issued by bona fide medical colleges of respectable standing, receive a certificate from said boards, which shall be recorded as herein provided for, and provided that no fees shall be required for the issuing of such certificates. Third, all persons who shall hereafter receive certificates from the Board of Medical Examiners of this State as above provided for, and who shall also in all other respects have complied with the provisions of this act. Fourth, and provided, that all persons who may change their residence to the State of Texas, on filing a true copy of a license granted by the board of medical examiners of another State or territory, certified by the affidavits of the president and secretary of said board, with satisfactory proof of the genuineness of the same, and showing that the standard of requirements of the medical laws of said State or territory and that adopted by said board of medical examiners are equal to that provided for in this act, and who, on payment of the usual fee of fifteen dollars, may be registered and receive a license from the board of medical examiners of Texas to practice in this State. Fifth, and provided further, that all persons who desire to hereafter begin the practice of midwifery in this State, and charge for their services, shall make application to the medical examining boards, said application to be accompanied with the fee of five dollars as herein provided, and when the said medical examining boards



may admit to examination such applicant, and after passing a satisfactory examination in this special branch, will be granted a license to practice midwifery in the State of Texas; provided, this shall not apply to those who do not follow midwifery as a profession, and who do not advertise themselves as midwives, or hold themselves out to the public as practicing the profession of midwifery.

SEC. 9. Any person shall be regarded as practicing medicine or surgery within the meaning of this act who shall profess publicly to be a physician or surgeon and shall offer for practice as such for those needing medical or surgical aid, and shall charge therefor money or other compensation. This act shall be so construed as to include persons not pretending to be physicians who offer for sale publicly on the streets or other public places remedies not manufactured and compounded within this State which they recommend for the cure of disease, but this act shall not apply to any commissioned officer or contract surgeon of the United States army, navy or marine hospital service in the performance of their duties as such, nor to any legally qualified and registered dentist under the laws of this State, nor to any lawfully qualified physician or surgeon residing in other States or territories, meeting registered physicians and surgeons of this State in consultation.

SEC. 10. The applicant shall be examined in the following branches: Anatomy, physiology, chemistry, materia medica, therapeutics, histology, pathology, practice of medicine, surgery, including diseases of the eye, ear, nose and throat; obstetrics, gynecology, hygiene, and medical jurisprudence.

SEC. 11. The fund realized from the fees aforesaid shall be applied first to the payment of the necessary expenses of the boards of examiners, each board receiving only such fees as are collected from applicants which appear before said board. In addition to expenses the secretary shall receive ten dollars per day while in actual attendance upon regular meetings. If any balance be left in the treasury of the boards it shall be divided among the members in attendance as compensation for loss of time.

SEC. 12. Before any person obtaining a license under the provisions of this act can lawfully practice medicine, surgery or midwifery in this State he or she shall cause the said license to be recorded in the district clerk's office in the county in which he or she offers to practice. The license shall be recorded by the clerk of the district court in a book to be kept for that purpose, which shall be properly indexed. The clerk shall receive from the applicant a fee of fifty cents for recording this instrument.

SEC. 13. Any person who shall practice medicine, surgery or midwifery in this State in violation of the provisions of this act shall be fined not less than fifty dollars nor more than five hundred dollars for each offense or by both fine and imprisonment not exceeding six months and it shall not be lawful for him or her to recover by action, suit, motion, or warrant, any compensation for services which may be claimed to have been rendered by him or her as such physician, surgeon or midwife; provided, that the provisions of this act do not apply to persons treating disease who do not prescribe or give drugs or medicine.

SEC. 14. That Title LXXXII, of the Revised Statutes of Texas, and Articles 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786,

3787, 3788, 3789, of said title be and the same are hereby repealed, and all laws and parts of laws in conflict with this act be and are hereby repealed.

SEC. 15. The fact that there is no law in force adequately providing for the license of physicians, surgeons and midwives creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and this act be placed on its final passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 92, nays 2; and passed the Senate by two-thirds vote, yeas 23, nays 0.]

Approved February 22, 1901.

Takes effect ninety days after adjournment.

## BONDS—REGULATING THE ISSUANCE OF.

H. B. No. 164.]

### CHAPTER XIII.

An Act amending Articles 883 and 918e, of Chapter 2, Title 25, Revised Statutes of Texas, 1895, relating to the issuance of bonds by counties, and the registration by the Comptroller of bonds issued by counties, cities and towns; providing for the cancellation of old bonds when new ones are issued in lieu thereof; providing that Articles 903, 904, 905, 906, 907 and 908 shall remain in full force so far as they relate to bonds heretofore issued under Article 902 and all laws of which said article is amendatory; repealing all laws in conflict herewith and particularly Article 902, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 883 and 918e, of Chapter 2, Title 25, Revised Statutes of Texas, 1895, be so amended as to hereafter read as follows:

Article 883. Where bonds have been legally issued, or may be hereafter issued, by any county for any of the purposes above named, new bonds bearing the same, or a lower rate of interest, may be issued, in conformity with existing law, in lieu thereof.

Article 918e. When said bonds have been examined by the Attorney General, and his certificate attached thereto, they shall be registered by the Comptroller, in a book to be kept for that purpose, and the certificate of the Attorney General to the validity of such bonds shall be preserved of record, for use in the event of litigation; provided, that in the case of funding or refunding bonds, the Comptroller shall not register the same until the old bonds, in lieu of which such funding or refunding bonds are issued, are presented to him for cancellation, whereupon, after registration of the new bonds he shall cancel the old, and deliver such new bonds to the proper party or parties; provided further, that the old bonds may be so presented for cancellation in installments, and a like amount of the new bonds registered and delivered as herein provided.

SEC. 2. That all laws and part of laws in conflict herewith, and particularly Article 902, are hereby repealed; provided, that Articles 903, 904, 905, 906, 907 and 908, Revised Statutes of Texas, 1895, shall remain in full force and effect in so far as they relate or pertain to any

and all bonds heretofore issued under said Article 902 and all laws of which said article is amendatory.

SEC. 3. There being now no law authorizing counties to fund bonded indebtedness issued since January 1, 1895, and many counties having now outstanding bonds issued since said date, which may be funded by issuing new bonds bearing a much lower rate of interest, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is so suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 88, nays 10; and passed the Senate by two-thirds vote, yeas 23, nays 0.]

Approved February 28, 1901.

Became a law February 28, 1901.

## ELEEMOSYNARY INSTITUTIONS—DEFICIENCY APPROPRIATIONS FOR SUPPORT OF.

H. B. No. 414.]

### CHAPTER XIV.

An Act making appropriations for the support of the State eleemosynary institutions and Confederate Home for the six months beginning March 1, 1901; and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the State eleemosynary institutions and the Confederate Home, for the six months beginning March 1, 1901, and ending August 31, 1901; and for other purposes:

#### FOR THE NORTH TEXAS INSANE ASYLUM.

Groceries, fuel, light and water.....	\$16,787 34
Dry goods and clothing.....	1,662 00

#### FOR THE SOUTHWESTERN INSANE ASYLUM.

Groceries, fuel, light and water.....	9,207 77
Dry goods and clothing.....	4,047 00

#### FOR THE STATE LUNATIC ASYLUM.

Groceries, fuel, light and water.....	9,960 65
Dry goods and clothing.....	3,583 00

#### FOR THE DEAF AND DUMB ASYLUM.

Supplies, provisions, etc.....	4,708 47
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## FOR THE CONFEDERATE HOME.

Maintenance of inmates .....	6,288 00
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## FOR THE STATE ORPHAN HOME.

Maintenance .....	6,260 05
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## FOR THE BLIND ASYLUM.

Groceries, provisions, etc.....	2,672 70
Dry goods and clothing.....	526 00

## FOR THE DEAF, DUMB AND BLIND ASYLUM FOR COLORED.

Groceries, provisions and miscellaneous.....	2,510 09
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SEC. 2. Whereas, there are no appropriations for the support of the institutions named, an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 101, nays 1, and was reported to the Senate where it was amended and passed by two-thirds vote, yeas 21, nays 0; House concurred in Senate amendment by two-thirds vote, yeas 103, nays 0.]

Approved March 1, 1901.

Became a law March 1, 1901.

## CORPORATIONS—AMENDMENT TO LAW AUTHORIZING CREATION OF.

S. B. No. 9.]

### CHAPTER XV.

An Act to amend Subdivision 56, of Article 642, of Chapter One Hundred and Thirty, of the acts of the Regular Session of the Twenty-fifth Legislature, entitled "An Act to amend Articles 641 and 642, Chapter 2, Title 21, of the Revised Civil Statutes of Texas, relating to corporations."

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Subdivision 56, of Article 642, of the above recited act sought hereby to be amended, be and the same is hereby amended so as to hereafter read as follows:

(56) The stockholders of all private corporations created for profit and with an authorized capital stock, under the provisions of this chapter, shall be required to pay in at least \$100,000, in cash, of their authorized capital stock, or to subscribe at least fifty per cent., and pay in at least ten per cent. of their authorized capital, before they shall be authorized to do business in this State, and whenever the stockholders of any such company shall furnish satisfactory evidence to the Secretary of State that at least \$100,000 of its authorized capital stock has been

paid in, in cash, or that at least fifty per cent. of its authorized capital has been subscribed and ten per cent. paid in, it shall be the duty of said officer to receive, file and record the charter of such company in the office of the Secretary of State upon application, and the payment of all fees therefor, and to give his certificate showing the record of said charter, and authority to do business thereunder; provided, that foreign corporations obtaining permits to do business in this State shall show to the satisfaction of the Secretary of State that at least \$100,000, in cash, of their authorized capital stock has been paid in, or that fifty per cent. of their authorized capital stock has been subscribed and at least ten per cent. of the authorized capital has been paid in, before such permit is issued.

SEC. 2. Whereas, the permits of various corporations which have made investments in Texas in accordance with law have expired, and are about to expire, and there is now no law authorizing the renewal of same, without which they will be compelled to realize on all investments, and withdraw from the State, thereby causing great hardships to them and their debtors, therefore, an emergency exists and an imperative public necessity demands that the constitutional rule which requires bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 21, nays 3; and passed the House of Representatives by two-thirds vote, vote not given.]

Approved March 4, 1901.

Became a law March 4, 1901.

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## STATE TREASURER—AUTHORITY TO REFUND MONEY TO COUNTIES, ETC.

S. B. No. 68.]

### CHAPTER XVI.

An Act authorizing the State Treasurer when money is remaining in the State treasury to the credit of any county, city or town after the obligations for which such money was placed in the treasury have been fully paid off, to return such money to the county, city or town to which it belongs.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* Whenever there is any money in the State treasury placed there to pay off any of the obligations due by any county, city or town, and it is made to appear to the Comptroller, by certified copy of the records of county commissioners court, or by other satisfactory evidence, that said obligations are no longer outstanding against such county, city or town, then it shall be the duty of the Comptroller to draw a warrant on the State treasury in favor of such county, city or town for the amount of money so remaining in the treasury, and the State Treasurer shall pay such money on said warrant of the Comptroller to the treasurer of such county, city or town.

SEC. 2. The fact that there is now no general law authorizing the Treasurer to return money remaining in the treasury after paying off

the obligations for which such money has been paid, and the fact that there is now in the treasury money due to counties, cities and towns, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by two-thirds vote, yeas 97, nays 0.]

Approved March 5, 1901.

Became a law March 5, 1901.

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## COUNTY JUDGES—APPOINTMENT OF SPECIAL JUDGES IN CONDEMNATION PROCEEDINGS.

S. B. No. 15.]

### CHAPTER XVII.

An Act to provide for the selection or appointment of special county judges in condemnation proceedings as provided for in Chapter 8, Title XCIV, of the Revised Civil Statutes of the State of Texas, when the county judge is disqualified.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That where any petition or statement for condemnation be presented to a county judge as provided in Article 4447 of the Revised Civil Statutes of the State of Texas, and such judge shall be disqualified to act by reason of any of the matters mentioned in Article 1129 of the Revised Civil Statutes of the State of Texas, he shall endorse his certificate of such disqualification upon such petition or statement for condemnation and file the same with the county clerk, who shall make a certified copy of such petition or statement for condemnation and of such endorsement thereon, and forward the same forthwith to the Governor; whereupon the Governor shall proceed to appoint some person learned in the law to act as special judge who shall have and exercise all of the powers conferred upon the county judge by Chapter 8, Title XCIV, of the Revised Civil Statutes of the State of Texas, and shall proceed to make the appointment of commissioners as provided by Article 4448 of the said statutes upon the said petition or statement for condemnation already filed, and in the event objections shall be filed by either party to the award of commissioners, the person so appointed by the Governor shall preside at all trials of the cause in the county court until such time as the disqualification of the county judge may have ceased; provided, that any time before such disqualification is so certified to the Governor, the parties by agreement may select such special judge.

SEC. 2. Whereas, there is now no law of the State of Texas providing for the appointment of a judge to act in condemnation proceedings where the county judge is disqualified, and the fact that in one or more counties in the State where the right of condemnation is sought to be exercised, the county judge is disqualified, creates an imperative public necessity and emergency for the suspension of the constitutional rule

requiring bills to be read on three several days and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 23, nays 0; and passed the House of Representatives by two-thirds vote, yeas 95, nays 2.]

Approved March 7, 1901.

Became a law March 7, 1901.

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### FISH LAW—AMENDMENT.

#### H. B. No. 4.]

#### CHAPTER XVIII.

An Act to amend Chapter 153, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature and amended at the Regular Session of the Twenty-sixth Legislature, entitled "An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot line, and to prohibit the sale or shipping of game fish in this State, and to provide penalties for the violation thereof," by exempting the county of Cherokee and other counties from the provisions of this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 153 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature and amended at the Regular Session of the Twenty-sixth Legislature, be amended so as to hereafter read as follows:

Chapter 153. That if any person shall at any time during the year take, catch, ensnare or entrap any fish, except minnows for bait, by means of nets, traps, poison or dynamite or in any other manner than the ordinary hook and line or trot line, in any of the fresh waters, lakes or streams of this State, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25.00 and not more than \$100.00; provided, that minnows for bait shall not be taken by poison or dynamite; provided further, that the following counties are hereby exempt from the provisions of this act, except as refer to the taking, catching or ensnaring of fish by poison or dynamite or by means of nets or seines, or by ditching, draining or muddying in any lake, pond or pool without the consent of the owner of said lakes, ponds or pools: Stephens, Eastland, Palo Pinto, Panola, Comanche, Knox, Shackelford, Young, Archer, Throckmorton, Baylor, Delta, Franklin, Camp, Red River, Burnet, San Jacinto, Polk, Cooke, Collin, Ellis, Hill, Kaufman, Mason, Llano, Nacogdoches, Coryell, Fannin, Rockwall, Johnson, Trinity, Walker, Lavaca, Bosque, Hamilton, Brazos, Gregg, Shelby, Sabine, Zapata, Starr, Hidalgo, Cameron, Titus, Morris, Hardin, Jefferson, Tyler, Liberty, Grimes, Jasper, Montgomery, Caldwell, Goliad, DeWitt, Montague, Newton, San Augustine, Cherokee, Wood, Cass, Upshur, Hopkins, Harrison, Walker, Galveston, Brazoria, Wharton, Chambers, Matagorda, Freestone, Lamar, Hunt, Hood, Austin, Rains, Brown, Denton and Angelina; provided, that Webb county is hereby exempted from all the provisions of this act.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. The fact that the people of Cherokee county demand the passage of this law, and the further fact that the people of adjoining counties are now enjoying the advantages that the passage of this act will afford Cherokee county, creates an emergency and an imperative public necessity, requires the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is hereby suspended and this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 110, nays 1; and passed the Senate by two-thirds vote, yeas 22, nays 0; Free Conference Committee report adopted by the House by two-thirds vote, yeas 91, nays 1; and adopted by the Senate by two-thirds vote, yeas 22, nays 0.]

Approved March 7, 1901.

Became a law March 7, 1901.

#### FOURTH JUDICIAL DISTRICT—REORGANIZATION OF.

H. B. No. 413.]

#### CHAPTER XIX.

An Act to reorganize the Fourth Judicial District of Texas, and to designate the counties which compose the same, and to transfer the county of Gregg from the Seventh Judicial District of Texas to the Fourth Judicial District: to prescribe the time for holding the district courts therein; to validate all process, writs and bonds issued or executed prior to the taking effect of this act and returnable to the terms of said court, as heretofore fixed by law, and to make same returnable to the terms of said court as fixed by this act, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Fourth Judicial District shall hereafter be composed of the counties of Rusk, Harrison, Panola and Gregg.

SEC. 2. The terms of the district court shall hereafter be held in said district as follows:

In the county of Rusk, on the first Monday in January and July, and may continue in session five weeks.

In the county of Harrison, on the fifth Monday after the first Monday in January and July, and may continue in session seven weeks.

In the county of Panola, on the twelfth Monday after the first Monday in January and July, and may continue in session four weeks.

In the county of Gregg, on the sixteenth Monday after the first Monday in January and July, and may continue in session until the business is disposed of.

SEC. 3. That all process, writs and bonds issued or executed prior to the taking effect of this act and returnable to the terms of said court, as heretofore fixed by law in the several counties composing the said district, are hereby made returnable to the terms of said court in the several counties as fixed in this act; and all process heretofore returned, as well as all bonds and recognizances heretofore entered into in any of said courts, shall be as valid as if no changes had been made in the time of holding said courts.



SEC. 4. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 5. The crowded condition of the calendar and the near approach of the close of the session of the Legislature, and the fact that the present terms of the Fourth District Court, as now arranged, interfere with the dispatch of business, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 100, nays 0; and passed the Senate by two-thirds vote, yeas 27, nays 0.]

Approved March 7, 1901.

Became a law March 7, 1901.

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#### FOURTH JUDICIAL DISTRICT—ADDITIONAL TERMS OF COURT FOR SMITH COUNTY.

H. B. No. 447.]

#### CHAPTER XX.

An Act to provide for the holding of two additional terms of the district court in Smith county, and to prescribe the time for holding the same.

Whereas, the county of Gregg, which has heretofore constituted a part of the Seventh Judicial District, has been transferred to the Fourth Judicial District, leaving the time heretofore prescribed for the holding of the district court in Gregg county undisposed of; and

Whereas, the accumulation and volume of litigation in Smith county renders it necessary to provide for the holding of additional terms of the district court in said county; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That two additional terms of the district court, in addition to the terms of said court now by law provided to be held in Smith county, be held in said county of Smith each year; said additional terms to begin on the fourteenth Monday after the first Monday in September and February, respectively, and each of said terms may continue in session four weeks.

SEC. 2. The near approach of the close of this session of the Legislature and the crowded condition of the docket of the district court of Smith county necessitating additional terms of said court in said county, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this bill put upon its third reading and final passage, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 101, nays 0; and passed the Senate by two-thirds vote, yeas 27, nays 0.]

Approved March 11, 1901.

Became a law March 11, 1901.

## DISTRICT CLERKS—FEES OF.

S. H. B. No. 7.]

## CHAPTER XXI.

An Act to regulate and define the fees of the clerks of the district courts of the State of Texas in civil cases.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the clerks of the district courts shall receive for the following services in civil cases the following fees, to wit:

For copy of petition, including certificate and seal, each one hundred words .....	\$ .20
Each writ of citation .....	.75
Each copy of citation .....	.50
Docketing each cause, to be charged but once .....	.20
Every other order, judgment or decree, not otherwise provided for. ....	.75
Docketing each rule or motion, including rule for cost. ....	.15
Filing each paper .....	.15
Entering appearance of each party to a suit, to be charged but once. ....	.15
Each continuance .....	.20
Swearing each witness .....	.10
Administering an oath, affirmation, or taking affidavit, certificate and seal; provided, that he shall only be allowed pay for one certificate to each witness claim for attendance in behalf of plaintiff, and one each in behalf of defendant, at any one term of the court. ....	.50
Each subpoena issued .....	.25
Each additional name inserted in subpoena .....	.15
Approving bond (except for cost) .....	1.50
Swearing and empaneling a jury .....	.35
Receiving and recording a verdict of a jury. ....	.35
Assessing damages in each case not tried by a jury .....	.50
Each commission to take depositions .....	.75
Taking depositions, each one hundred words .....	.15
Issuing copies of interrogatories with certificate and seal, per one hundred words .....	.15
Each final judgment .....	1.00
Where judgment exceeds three hundred words, the additional fee for each one hundred words in excess of three hundred words shall be .....	.15
For each order of sale .....	1.00
For each execution .....	.75
For each injunction writ .....	.75
Each copy of injunction writ .....	.75
For every other writ not otherwise provided for .....	.75
For each copy of writ not otherwise provided for. ....	.50
Recording returns of any writ, where such return is required by law to be recorded, including the return on all writs except subpoenas. ....	.50
Each certificate to any facts contained in his office .....	.75
Making out and transmitting the records and proceedings in a cause to any inferior court, for each one hundred words .....	.10
Making out and transmitting mandate or judgment of the district court upon appeal from the county court .....	1.00

Filing a record in a cause appealed to the district court.....	.50
Transcribing, comparing and verifying record books of his office payable out of the county treasury, upon warrants issued upon the order of commissioners court, each one hundred words.....	.15
Making transcript of records and papers in any cause upon appeal, or writ of error, with certificate and seal, each one hundred words.....	.15
Making copy of all records of judgments or papers on file in his office, for any party applying for same, with certificate and seal, each one hundred words .....	.15
Taxing the bill of costs in any case with copy of same .....	.25
For each license issued to an attorney and recording the proceedings thereon .....	5.00
For each attorney's license issued by order of the district court, the clerk shall be entitled to demand and receive from the person to whom such license was issued .....	2.50
Filing and recording the declaration of intention to be a citizen of the United States .....	2.00
Issuing certificate of naturalization .....	2.50

SEC. 2. Whenever in any suit a certified copy of any petition or any other instrument is necessary in the district court, it shall be lawful for the plaintiff or defendant to prepare such true and correct copy thereof, and submit the same to the clerk of the district court, whose duty it shall be to compare the same with the original instrument, and if found to be correct he shall attach his certificate of true copy. For such services he shall receive 50 cents for each certificate and seal, and in addition thereto the sum of 10 cents per page, three hundred words to the page, for each page of each copy.

SEC. 3. But nothing in this act shall be construed as repealing the maximum fixed by existing law upon the total compensation allowed to district clerks.

SEC. 4. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 5. The fact that the fees allowed clerks of the district courts are uncertain and not sufficient in many instances to secure efficient service constitutes an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, vote not given, and was reported to the Senate where it was amended and passed by two-thirds vote, yeas 22, nays 0; House concurred in Senate amendments, 1, 2, 3, and 4, by two-thirds vote, yeas 88, nays 2, and in Senate amendment No. 5, by two-thirds vote, yeas 92, nays 5.]

Approved March 12, 1901.

## GAMING—AMENDMENT TO PENAL CODE.

H. S. for H. B. No. 11.] CHAPTER XXII.

An Act to amend Articles 379 and 381, Chapter 3, Title XI, of the Penal Code of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 379 and 381, Chapter 3, Title XI, of the Penal Code of the State of Texas, be so amended as to read as follows:

Article 379. If any person shall play at any game of cards at any house for retailing spirituous liquors, store house, tavern, inn, or other public house, or in any street, highway or other public place, or in any outhouse where people resort, or at any place except a private residence occupied by a family; or if any person shall bet or wager any money or other thing of value, or representative of either, at any game of cards, except in a private residence occupied by a family, and the provisions of this act that permits gaming in a private residence shall not apply in case such residence is one commonly resorted to for the purpose of gaming, he shall be fined not less than ten nor more than twenty-five dollars.

Article 381. In prosecutions under the two preceding articles it shall not be necessary for the State to prove that any money or article of value, or the representative of either, was bet at such game when the prosecution is for playing cards at a house for retailing spirituous liquors, store house, tavern, inn, or any other public place, or in any street, highway or other public place, or in any outhouse where people resort, or at any place except a private residence occupied by a family; provided, that nothing in this title shall be so construed as to prevent the playing of any game for amusement at a private residence occupied by a family.

SEC. 2. The fact that the present law is insufficient, and that there is great complaint made by the people with regard to gaming, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act be put on its third reading and final passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, vote not given, and reported to the Senate where it was amended and passed, vote not given; House concurred in Senate amendments, vote not given.]

Approved March 12, 1901.

Takes effect ninety days after adjournment.

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## RAILWAYS—RELIEF OF THOSE FAILING TO CONSTRUCT THEIR LINES WITHIN THE TIME REQUIRED BY LAW.

S. B. No. 30.]

### CHAPTER XXIII.

An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the first day of January, 1887, and which have failed, or about to fail, to construct their roads and branches, or any part thereof, within the time required by law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the time within which any railway corporation, chartered under the laws of the State of Texas, since the first day of January, 1887, or the charter of which has been amended since that date, is required to begin the construction of its road, and construct, equip and put in good running order, as provided in Article 4558, of the Revised Statutes of the State of Texas, and the same hereby is, as to any unfinished portion of such road, extended two years from the taking effect of this act; and any railway company having been chartered since January 1, 1887, or the charter to which has been amended since said date, which shall have forfeited its corporate existence or any of its rights and powers, or is about to do so, by reason of the failure to comply with said Article 4558, or any part of said article, shall have restored and preserved to its corporate existence and it shall have and enjoy all of the corporate franchises, property, rights and powers held or acquired by it previous to any cause of forfeiture on account of such failure as aforesaid; provided, that no railway company which shall be revived or the time extended by virtue of this act shall claim or exercise any right or franchise not allowed, granted or permitted to other railway corporations under the laws as now in force in this State, and such railroad company as may be revived or time extended by this act shall comply with the laws of this State now in force pertaining to railway corporations, and the provisions of this act shall extend to and embrace suburban and belt railroads heretofore chartered under the laws of this State.

SEC. 2. Any railway corporation chartered since the first day of January, A. D. 1887, and which by its original charter, or by amendment thereto, filed since said first day of January, A. D. 1887, has provided for the locating, constructing, maintaining, owning and operating, or any extension or branch line or lines of railway, and which have failed or is about to fail to complete the same or any part thereof within the time required by law, shall, upon the payment of all its franchise tax, be and is hereby restored to and granted all and singular the rights, privileges and franchises acquired by such original charter, or by such amendment to its articles of incorporation as if the same were filed and recorded in the office of the Secretary of State on the day of the taking effect of this act, and such corporation shall, upon the payment of its franchise tax, be and is hereby authorized to project, complete, construct, own and operate any such extensions and branch line or lines of railway under and as provided for in its charter, or in any such amendment to its articles of incorporation; provided, that such extensions and branch lines of railway shall be by such corporation completed and put in running order at the rate of at least ten miles within one year from the taking effect of this act, and twenty additional miles for each and every

year thereafter until all of said extensions or branch line or lines so provided for are completed.

SEC. 3. The fact that no good can result to the State from the forfeitures provided against in this act, and that the public interest and convenience will be promoted, and citizens in many parts of the State having invested in railway enterprises subject to great loss, unless the relief herein provided for be granted, therefore, an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days is created, and it is so suspended, and demanding that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by two-thirds vote, yeas 100, nays 1.]

Approved March 12, 1901.

Became a law March 12, 1901.

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### STOCK LAW—AMENDMENT OF.

S. B. No. 42.]

#### CHAPTER XXIV.

An Act to amend Section 1, Chapter 128, of an act passed by the Twenty-sixth Legislature of the State of Texas, and sent to the Governor for his approval on the 20th day of May, A. D. 1899, and entitled "An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, or in any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, Lavaca," so as to place Lavaca, Colorado, Washington, Williamson, Smith and Delta counties under the provisions of said chapter, and to declare an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 1, Chapter 128, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

Upon the written petition of one hundred freeholders of any of the following named counties, Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos, Lavaca, Colorado, Washington, Williamson, Smith and Delta counties, Texas, or upon the petition of fifty freeholders of any subdivision of any of the above named counties, the commissioners court of said county, shall order an election to be held in said county or subdivision on same day named in the order, for the purpose of enabling the freeholders of such county or subdivision to determine whether horses, mules, jacks, jennets and cattle, shall be permitted to run at large in such county or subdivision; provided, that where there is an application for an election to include an entire county, there shall not be less than twelve freeholders from each justice precinct of said county as signers to the petition for such election.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and reported to the House of Representatives where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the thirteenth day of March, A. D. 1901, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

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### PRESIDENTIAL ELECTORS—APPROPRIATION TO PAY MILEAGE AND PER DIEM.

S. B. No. 27.]

#### CHAPTER XXV.

An Act making an appropriation to pay mileage and per diem of the presidential electors of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the sum of sixteen hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the mileage and per diem of the presidential electors. That the certificate of the secretary of the college stating the number of days that the college was in session, shall be sufficient authority to the Comptroller to draw his warrant upon the Treasurer for the amount due each elector; provided, that Hon. John J. Cox, the duly elected elector from the Eighth Congressional District, who, from sickness in his family and delayed trains, did not arrive at the capital until after the electoral college had met and organized, shall be entitled to receive his mileage from Goldthwaite, Texas, and two days per diem, and the Comptroller is hereby authorized to draw his warrant on the Treasurer accordingly.

SEC. 2. Whereas, the electoral college is about to meet, public policy demands that they should be paid, an emergency exists and necessity demands that the constitutional rule requiring the bill to be read on three several days be suspended and that this act shall take effect from its passage. It is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 21, nays 0; and was reported to the House of Representatives where it was amended and passed by two-thirds vote, yeas 102, nays 0; Senate concurred in House amendments by two-thirds vote, yeas 24, nays 0.]

Approved March 22, 1901.

Became a law March 22, 1901.

## LIBEL LAW.

S. B. No. 25.]

## CHAPTER XXVI.

An Act to define civil libel, to declare certain newspaper reports to be privileged communications: to allow certain matters to be pleaded and proved in mitigation of exemplary damages in civil libel cases, and to declare an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. A libel is a defamation expressed in printing or writing, or by signs and pictures, or drawings, tending to blacken the memory of the dead, or tending to injure the reputation of one who is alive, and thereby expose him to public hatred, contempt or ridicule, or financial injury, or to impeach the honesty, integrity or virtue or reputation of any one, or to publish the natural defects of any one, and thereby expose such person to public hatred, ridicule or financial injury.

SEC. 2. In any action for libel the defendant may give in evidence, if specially pleaded, in mitigation of exemplary or punitive damages, the circumstances and intentions under which the libelous publication was made, and any public apology, correction or retraction made and published by him of the libel complained of. The truth of the statement or statements in such publication shall be a defense to such action.

SEC. 3. The publication of the following matters by any newspaper or periodical, as defined in Section 1, shall be deemed privileged, and shall not be made the basis of any action for libel without proof of actual malice.

1. A fair, true and impartial account of the proceedings in a court of justice, unless the court prohibits the publication of the same, when in the judgment of the court the ends of justice demand that the same should not be published, and the court so orders; or any other official proceedings authorized by law in the administration of the law.

2. A fair, true and impartial account of all executive and legislative proceedings that are made a matter of record, including reports of legislative committees, and of any debate in the Legislature and in its committees.

3. A fair, true and impartial account of public meetings, organized and conducted for public purposes only.

4. A reasonable and fair comment or criticism of the official acts of public officials and of other matters of public concern published for general information.

SEC. 4. Nothing in this act shall be construed to amend or repeal any penal law on the subject of libel, nor to take away any existing defense to a civil action for libel, nor shall this act affect any suits now pending, or that may hereafter be brought upon a cause of action arising prior to the taking effect of this act.

SEC. 5. The fact that there is now no law in this State defining libel and privileged publications creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 25, nays 1, and was reported to the House



of Representatives where it was amended and passed by two-thirds vote, yeas 86, nays 13; Senate concurred in House amendments, no vote given.]

Approved March 26, 1901.

Takes effect 90 days after adjournment.

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## RAILROADS—FIXING VENUE OF SUITS AGAINST.

S. S. B. No. 35.]

CHAPTER XXVII.

An Act to fix the venue of suits against railroad corporations or against any assignee, trustee or receiver operating railways for damages arising from personal injuries, resulting in death or otherwise, and to repeal all laws and parts of laws in conflict with the provisions of this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That all suits against railroad corporations, or against any assignee, trustee or receiver operating any railway in the State of Texas, for damages arising from personal injuries, resulting in death or otherwise, shall be brought either in the county in which the injury occurred, or in the county in which the plaintiff resided at the time of the injury; provided, that if the defendant railroad corporation does not run or operate its railway in or through the county in which the plaintiff resided at the time of the injury, and has no agent in said county, then said suit shall be brought either in the county in which the injury occurred, or in the county nearest that in which the plaintiff resided at the time of the injury, in which the defendant corporation runs or operates its road, or has an agent; and provided further, that in case that the plaintiff is a non-resident of the State of Texas, then such suit may be brought in any county in which the defendant corporation may run or operate its railroad or may have an agent; provided, that when an injury occurs within one-half mile from the boundary line dividing two counties suit may be brought in either of said counties.

SEC. 2. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given, and was reported to the House of Representatives where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the twenty-seventh day of March, A. D. 1901, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

## MINERAL SURVEY OF PUBLIC LANDS.

H. B. No. 135.]

## CHAPTER XXVIII.

An Act to provide for a mineral survey of the lands belonging to the public schools, University and asylums or of the State, and to make appropriation therefor; and to provide a penalty for unlawfully disclosing information obtained by such survey; and to loan and authorize the removal to the University of the geological and scientific equipments, collections, specimens and publications now in charge of the Commissioner of Agriculture, Insurance, Statistics and History; and also declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Board of Regents of the University of Texas are authorized and directed as soon as practicable to have made a mineral survey of all the lands belonging to the public schools, University, asylums, or of the State.

SEC. 2. Said board shall employ for that purpose persons skilled and who have had at least five years experience in the science of mineralogy, geology and chemistry, who shall conduct said survey under the direction of said board.

SEC. 3. Said board shall publish annually for free distribution among the people of the State all practical information collected in the prosecution of said survey as the same progresses; but the information obtained by a survey of the public school, university, asylum or State lands shall not be communicated by said board or by the person or persons making said survey to any person whomsoever until said information is published for the benefit of the general public; and anyone violating this provision shall, upon conviction, be fined in any sum not exceeding one thousand dollars, or by imprisonment not to exceed two years in jail.

SEC. 4. In connection with the work of said survey provision shall be made for assays, analyses and other scientific examinations of specimens of mineral substances found in the State, and for the collection and distribution of statistics relating to the mineral production of the State, and such assays, analyses and examinations shall be made at the request of any citizen of the State, and a certificate thereof given, and a uniform and reasonable charge shall be fixed by said board for such assays and analyses. It is especially provided, however, that assays and analyses of mineral specimens found upon any of the public lands of the State shall be made free of charge when requested by the Governor or by the Commissioner of the General Land Office.

SEC. 5. In connection with said survey, said board shall make provision for instruction in the University of Texas, in practical economic and field geology and mineralogy, and shall have prepared and transmitted to the A. and M. College, for educational purposes, duplicate specimens of all mineral and other substances obtained from the survey.

SEC. 6. The geological and scientific equipments, collections, specimens and publications now in charge of the Commissioner of Agriculture, Insurance, Statistics and History are hereby loaned to said board until such time as the State may desire to otherwise use them, and their removal to the University of Texas is hereby authorized.

SEC. 7. For the purpose of carrying out the provisions of this act the sum of ten thousand dollars per annum for two years or so much thereof

as may be necessary is hereby appropriated out of the general revenue of the State; provided, that said mineral survey of the State shall be completed within two years.

SEC. 8. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 9. Whereas, there is now no provision for a mineral survey of the public lands of the State, and as a result the mineral value of such lands is not known, and said lands are being sold without regard to their mineral value, whereby great loss is resulting to the public free school, asylum and University funds of the State; and whereas, there is now no provision for the collection and preservation of authentic data concerning the mineral resources of the State; and whereas, no provision now exists whereby reliable official assays, analyses and examinations may be obtained by citizens of Texas, whereby great loss is suffered by people of the State; therefore it is declared that an emergency is created and an imperative public necessity exists for the immediate passage of this act, and the constitutional rule requiring bills to be read on three several days be and is hereby suspended, and that this act take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 86, nays 16, and was reported to the Senate, where it was amended and passed by two-thirds vote, yeas 21, nays 1; House concurred in Senate amendments by two-thirds vote, yeas 99, nays 3.]

Approved March 28, 1901.

Became a law March 28, 1901.

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## SOUTHWEST TEXAS NORMAL SCHOOL.

S. B. No. 142.]

### CHAPTER XXIX.

An Act to provide for the organization, control, management and active operation of the Southwest Texas Normal School, located at San Marcos, Hays county, Texas; the control and improvement of the grounds belonging to the same; the erection of the necessary buildings for said school; furniture for same, water, lighting and heating of said buildings; and appropriating money for those purposes.

Whereas, by act of the Twenty-sixth Legislature, a school to be known as the Southwest Texas Normal School was located at San Marcos, Hays county, Texas, eleven acres of land known as Chautauqua Hill was donated to the State of Texas by the city of San Marcos for the purposes of said school and which donation has been accepted by the State by the approval of the title to said land by the Governor and Attorney General; and

Whereas, for the educational convenience and needs of Southwest Texas, said school is a pressing necessity, therefore,

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That said Southwest Texas Normal School be and the grounds belonging to same are placed under the management, control

and direction of the State Board of Public Education for the State, and that said board at the earliest practical moment proceed to have erected on the aforesaid eleven acres of land, suitable and necessary buildings for the accommodation of the pupils in said school, said buildings to be substantial and first-class in every particular, supplied with the necessary furniture, lights, water and heating apparatus, such as may be deemed proper by said board, and the grounds improved and beautified to the extent that the said board may deem necessary.

SEC. 2. The Board of Education shall have the same power and control as to admission of the pupils to the Southwest Texas Normal School as it has to the admission of the pupils to the Sam Houston Normal Institute, and the rules and regulations provided by law for the government of the Sam Houston Normal Institute shall apply in all respects so far as applicable to the government and control of the Southwest Texas Normal School.

SEC. 3. The State Board of Education shall appoint a local board of three trustees for the said Southwest Texas Normal School, who shall be residents of the city of San Marcos and who shall perform such duties as may be required by the State Board of Education and such other duties as are required by law of the local board of the Sam Houston Normal Institute and shall receive the same compensation; and the State Board of Education shall exercise all of the powers and control over the Southwest Texas Normal School that said board is authorized by law to exercise over the Sam Houston Normal Institute and the salaries of teachers shall never exceed what is allowed by law for teachers in the Sam Houston Normal.

SEC. 4. The sum of thirty-five thousand dollars is hereby appropriated out of the general revenue, twenty-five thousand dollars of which shall be for the purpose of erecting and equipping the buildings for the Southwest Texas Normal School and ten thousand for the running expenses of such institution after the completion of said buildings.

SEC. 5. The money appropriated by this act may be drawn upon for the purposes aforesaid by the State Board of Education on vouchers audited by said board and approved by the Governor and on filing such vouchers with the Comptroller he shall draw his warrant on the State Treasurer for the amount in favor of said board; provided, that this money shall not be drawn unless the Governor in his discretion thinks the condition of the treasury will permit the use of the money for the purposes of this act.

SEC. 6. So soon as the necessary buildings for said Southwest Texas Normal School are completed or in condition for the reception and accommodation of pupils, the Board of Public Education shall make this fact known in such way as said board may deem effective and shall at once proceed to at once open and organize said school by the employment of the necessary number of teachers, and the number of teachers may be increased by the board from time to time as the increased attendance of pupils may demand; provided, at no time any debt shall be created by the board in excess of the money appropriated for the purposes of said act and for the support and maintenance of this school.

SEC. 7. The fact that there is no normal school in Southwest Texas and the education and training of teachers is badly needed in that section, creates an imperative public necessity that the constitutional rule

requiring bills to be read on three several days be suspended, and that said rule is hereby suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by yeas 20, nays 4; and was reported to the House of Representatives where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved March 28, 1901.

Takes effect 90 days after adjournment.

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PRAIRIE VIEW NORMAL COLLEGE—ESTABLISHING  
COURSE, AND MAKING APPROPRIATION  
THEREFOR.

S. B. No. 17.]

CHAPTER XXX.

An Act to establish and maintain a four year college course of classical and scientific studies at the Prairie View Normal and Industrial College at Prairie View, Waller county, Texas.

*Be it enacted by the Legislature of the State of Texas:*

That the sum of twenty-five hundred dollars for the first year and eighteen hundred dollars for the second year be set apart and is hereby appropriated out of the general revenue for the inauguration and maintenance of a four year college course of classical and scientific studies at the Prairie View State Normal and Industrial College, to which graduates of the normal course shall be admitted without examination and to which others may be admitted after having passed a satisfactory examination in the branches comprised in the normal course; provided, that no State student shall be admitted to the privileges of the said course, and provided further, that the diploma conferred on the completion of the said course shall entitle the holder without other or further examination to teach in any of the colored public free schools of the State.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given, and was reported to the House, where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved March 28, 1901.

Takes effect 90 days after adjournment.

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## COKE COUNTY—ROAD LAW.

S. B. No. 24.]

## CHAPTER XXXI.

An Act to amend an act passed by the Twenty-sixth Legislature in the year A. D. 1899, entitled An Act to amend Chapter 134, Sections Nos. 1, 7 and 15, of the General Laws of the Twenty-fourth Legislature, of an act to create a more efficient road system for Hill, Coke, Hunt, Jackson, Bee and Victoria counties, Texas; and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such; providing for their compensation as road commissioners; providing for the appointment of deputy road commissioners, and defining the powers and duties of said commissioners; and providing for the appointment of road overseers and defining their duties; and for the working of county convicts upon the public roads of said counties; and providing for officers' fees and rewards for the capture of escaped convicts; and providing for the manner of trimming of hedges along any public road; and providing for the summoning of teams for road work, and for an allowance of time of road service for same; and fixing a penalty for the violation of this act; and repealing all laws in conflict with this act," so as to exempt Coke county from the provisions of said act, and place it under the general provisions of the Constitution and statutes of the State pertaining to public roads; and repeal all laws in conflict with this act in so far as relate to Coke county.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county of Coke be and is hereby exempt from the provisions of Sections 1, 7 and 15, Chapter 134, passed by the regular session of the Twenty-sixth Legislature, A. D. 1899, creating a public road system for said county.

SEC. 2. That the said Coke county be and is hereby placed under the general road laws, as provided by the Constitution and the general statutes of the State for the provisions and government of its public road system.

SEC. 3. That all laws and parts of laws in conflict herewith be, and they are hereby, repealed in so far as they relate to said Coke county.

SEC. 4. Whereas, the present road system for Coke county is inapplicable, and is not suited to said county, and was passed by and through a mistake, and that said Coke county is now without a suitable and efficient road law, creates an emergency and public necessity that require the suspension of the constitutional rule, requiring bills to be read on three several days, and said rule is therefore suspended, and it is enacted, that this act take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given, and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 28th day of March, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

## CLAY COUNTY—ROAD LAW.

H. B. No. 53.]

## CHAPTER XXXII.

An Act to create a more efficient road system for Clay county, Texas, and making the county commissioners of said county ex-officio road commissioners; prescribing their duties as such; providing for their compensation as road commissioners; providing for the appointment of deputy road commissioners, and defining their duties; for the working of county convicts partly on farm and partly on public roads, or other public works of said county; for compensation of said convicts; offering suitable rewards for recapture of convicts, charging costs of same against said convicts; in discretion of said court, providing mode of punishment for insubordination of convicts; providing for the condemnation of any land needed for road purposes; providing for taking timber, gravel, earth, stone or other material for the improvement of the roads; providing for annual reports of road commissioners and their deputies; for contracting out work when deemed necessary; providing for penalty for violation of this act; repealing all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The members of the commissioners court of Clay county, Texas, shall hereafter be ex-officio road commissioners of their respective districts, and under the direction of the commissioners court shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by the court, and it shall be their duty under such rules and regulations as the court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of said commissioners shall, before entering upon the discharge of the duties of his office, execute a bond of one thousand dollars in addition to his bond as commissioner, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners court, and that he will account for all moneys or other property belonging to the county that may come into his possession; provided, that any one of the commissioners may, with the consent of the commissioners court, be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond, with like conditions, as is required of commissioners in this section, and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, the county commissioners shall not be allowed any compensation as road commissioners when a deputy road commissioner has been appointed.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be their duty to adopt such system of working, laying out, draining and repairing the public roads in said county as they may deem best, and from time to time said court may change its plans or system of working. Said commissioners court shall have authority to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have power and authority to construct, grade or otherwise improve any road or bridge by contract. In such case said court or the county judge may advertise, in such manner as the court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county, for the use and benefit of the

road and bridge fund, with two or more good and sufficient sureties, to be approved by said court and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids. At the time of making said contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said court; and said court shall have authority to employ hands, teams and tools under such regulations and for such price as they may deem best.

SEC. 3. The commissioners court shall require all county convicts, not otherwise employed, to labor upon the public works and roads, under such regulations as it may prescribe, and each convict so worked, shall receive a credit on his fine first, and then on the cost, of fifty cents for each day he may labor.

The commissioners court may, at a regular term, allow to the officers and witnesses such amount of their costs for the arrest and conviction of said convict, as it may deem best; provided, that it shall not allow any officer an amount greater than the following: county judge \$3.00, county attorney \$5.00, including commissions, county clerk and justices of the peace \$1.70, sheriffs or constables \$2.00, which amount shall be paid to the officers out of the road and bridge fund, on the warrant of the commissioners court; provided, that this act shall not be so construed as to relieve any convict from the payment of all costs for which he may be liable under the laws of the State. The commissioners court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful services and good behavior; provided, that such commutation shall in no case exceed one-tenth of the whole time.

The commissioners court may provide the necessary houses, prisons, bedding, clothing, food, medicine, medical attention and guards for the safe and humane keeping of convicts, and provide for the reasonable punishment of convicts for insubordination, among other modes of punishment, provide for placing convicts on a diet of bread and water until such subordination ceases; in no case shall corporeal bodily punishment be resorted to.

The commissioners court may also provide for offering rewards of not more than ten dollars for the capture and return of escaped convicts each; provided however, that no officer, guard, or other person from whose custody a convict may escape, shall be entitled to receive such reward; provided further, that said commissioners court may tax the amount of reward and all other costs of recapture against said escaped convict, and he may be required to pay the same, in the same manner as other fines and costs are paid.

SEC. 4. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, changing or draining any road or part thereof, if the owner of said land cannot agree with the commissioners court as to the damage to be paid, the court may proceed to condemn the same, in the same manner that a railroad company can condemn land for a right of way, and the same proceedings may be had, and the same right shall exist to each party, that would exist if the proceedings were by a railroad company, except that in no case shall the county be required to give bond.



SEC. 5. When it may appear to be expedient to make causeways, build bridges or gravel any public road, the timber, earth, stone or other material most convenient therefor may be used; but in such cases the owner of the timber, gravel, earth, stone, or other necessary material, shall be paid out of the road and bridge fund, by the county treasurer, a fair compensation for the same, to be determined by the commissioners court, upon application of such owner.

SEC. 6. In all cases where the cost of labor or material exceeds two hundred dollars, it shall be the duty of said court, or the court may in its discretion construct such work, grade, gravel, bridge or otherwise improve said road by contract, the same to be advertised for as provided by said commissioners court.

SEC. 7. Each commissioner or his deputy, when acting as road commissioner and performing the duties imposed on him by law, or the commissioners court, shall be entitled to two dollars per day, to be paid out of the road and bridge fund, for services actually performed; provided, that he shall not receive more than one hundred dollars per quarter, which amount shall be paid by warrant out of the road and bridge fund; said account to be sworn to by the person performing the service, and the oath shall state that the same is just, due and unpaid, and shall specify the number of days work actually performed by him, and that it was necessary to be done, and no commissioner shall be entitled to pay as a road commissioner when performing the duties of county commissioner.

SEC. 8. Each commissioner or his deputy shall make and present to the commissioners court a report up to and including the last day of October of each year, at the regular meeting of said court in November of each year, a full and complete report for the year, closing said report on the last day of October prior thereto; said report shall include such items of information as will enable the court to have a full knowledge of the conditions of the roads, bridges, crossings, culverts, with suggestions for future improvement, amount of money expended, including salary, together with a list of tools and other property, its condition, under his control, and such other data and information as the court may require; and the last quarter of his salary shall not be paid until said report has been approved by the commissioners court.

SEC. 10. This act shall be cumulative of all general laws on this subject, and shall be taken notice of by all courts in the same manner as the General Laws of the State on the subject of roads and bridges when not in conflict therewith; but in case of conflict this act shall control as to Clay county, and all laws conflicting therewith are hereby repealed.

SEC. 11. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 93, nays 0; and passed the Senate by two-thirds vote, yeas 24, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 28th day of March, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his

objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Became a law April 9, 1901.

## FORT BEND COUNTY—AN ACT EXTENDING RELIEF TO.

H. B. No. 217.]

### CHAPTER XXXIII.

An Act to extend relief to Fort Bend county, and to authorize said county to have certain bonds heretofore issued by it canceled and annulled; and providing service by publication to the holders thereof where their names or residence is unknown.

Whereas, the commissioners court of Fort Bend county, Texas, on the 12th day of May, 1884; 27th day of March, 1885, issued bonds to Sidney Meed, and known as River Bridge Bonds, to the amount of twenty-eight thousand dollars, which were to be dated on the 27th day of October, 1884, and 28th day of May, 1886, and bearing 8 per cent. interest, due and payable in five, ten, fifteen and twenty years, all of which have been paid, except the following:

Series No. 1, payable to Sydney Meed, dated October 27, 1884, registry No. 13, issue No. 15; amount \$500.00.

Series No. 1, payable to Sydney Meed, dated October 27, 1884, registry No. 14, issue No. 16, amount \$500.00. Series No. 2, payable to Sydney Meed, dated October 27, 1884, registry No. 5, issue No. 21, amount \$500.00. Series No. 3, payable to Sydney Meed, dated May 28, 1886, registry No. 4, issue No. 12, amount \$500.00. Series No. 3, payable to Sydney Meed, dated May 28, 1886, registry No. 5, issue No. 13, amount \$500.00. Series No. 3, payable to Sydney Meed, dated May 28, 1886, registry No. 9, issue No. 17, amount \$500.00. Series No. 3, payable to Sydney Meed, dated May 28, 1886, registry No. 10, issue No. 18, amount \$500.00. Series No. 4, payable to Sydney Meed, dated May 28, 1886, register No. 11, issue No. 5, amount \$500.00. Series No. 4, payable to Sydney Meed, dated May 28, 1886, registry No. 12, issue No. 6, amount \$500.00. Series No. 4, payable to Sydney Meed, dated May 28, 1886, registry No. 13, issue No. 7, amount \$500.00. Series No. 4, payable to Sydney Meed, dated May 28, 1886, registry No. 7, issue No. 1, amount \$500.00, which have never been presented for payment, nor has any demand ever been made for principal or interest due thereon; and

Whereas, said commissioners court of Fort Bend county, Texas, on the 13th day of July, 1885, and on the 6th day of January, 1886, issued bonds to the amount of six thousand dollars to William Boyd and known as Jail Bonds, which said bonds were due in five years after date, bearing 8 per cent. interest; and

Whereas, on the register of bonds kept by the treasurer of said county same are not marked paid, though no payment of principal or interest due thereon has been demanded or requested for more than ten years, and all of said bonds are believed to have been paid or destroyed; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That said county of Fort Bend is authorized to institute suit in the dis-

strict court of Fort Bend county, Texas, against the said Sydney Meed and William Boyd, and the unknown owners and holders or any one holding, owning or claiming an interest in said above described bonds, in the manner now provided by law for suits and service by publication against non-resident defendants, or where defendants' name or residence is unknown, and upon proper and satisfactory proof being made to have judgment or decree of said court canceling or annulling said bonds, and the coupons thereto attached, and relieving said county of all liability therefor.

SEC. 2. The fact that said bonds stand as a valid outstanding obligation, and as such must be taken into consideration and so treated by the commissioners court of said county in issuing other bonds, and the further fact that said county has about reached its limit for the issuance of bonds, creates an urgent and imperative necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate by two-thirds vote, yeas 23, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 28th day of March, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

## RANGER FORCE—ORGANIZATION OF.

H. B. No. 52.]

### CHAPTER XXXIV.

An Act to provide for the organization of a "Ranger Force" for the protection of the frontier against marauding and thieving parties, and for the suppression of lawlessness and crime throughout the State; to prescribe the duties and powers of members of such force, and to regulate their compensation.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Governor be and is hereby authorized to organize a force to be known as the "Ranger Force," for the purpose of protecting the frontier against marauding or thieving parties, and for the suppression of lawlessness and crime throughout the State.

SEC. 2. The "Ranger Force" shall consist of not to exceed four separate companies of mounted men, each company to consist of not to exceed one captain, one first sergeant and twenty privates, and one quartermaster for the entire force. The captains of companies and the quartermaster shall be appointed by the Governor, and shall be removed at his pleasure; unless sooner so removed by the Governor, they shall serve for two years and until their successors are appointed and qualified.

SEC. 3. The pay of officers and men shall be as follows: Captains,

one hundred (\$100) dollars each, per month; sergeants, fifty (\$50) dollars each, per month; and privates forty (\$40) dollars each, per month. The payments shall be made at such times and in such manner as the Adjutant General of the State may prescribe.

SEC. 4. The Governor shall appoint a quartermaster for this force, who shall discharge the duties of quartermaster, commissary and paymaster, and shall rank and receive the pay of a captain.

SEC. 5. That this force shall always be under the command of the Governor, to be operated by his direction in such manner, in such detachments and in such localities as the Governor may direct.

SEC. 6. The Governor is hereby authorized to keep this force, or so much thereof as he may deem necessary, in the field as long as in his judgment, there may be necessity for such a force; and men who may volunteer in such service shall do so for such term not to exceed two years, subject to disbandment in whole or in part at any time, and reassemblage or reorganization of the whole force, or such portion thereof as may be deemed necessary by order of the Governor.

SEC. 7. That the quartermaster, or if so directed by the Adjutant General, company commanders shall purchase all supplies hereinafter provided for, and shall make a certificate on the voucher of the party or parties from whom the supplies and purchased, to the effect that "the account is correct and just, and the articles purchased were at the lowest market prices."

SEC. 8. Each officer, non-commissioned officer and private of said force shall furnish himself with a suitable horse, horse equipment, clothing, etc.; provided, that if his horse is killed in action it shall be paid for by the State at a fair market value at the time when killed.

SEC. 9. That the State shall furnish each member of said force with one improved carbine and pistol at cost, the price of which shall be deducted from the first money due such officer or man, and shall furnish said force with rations of subsistence, camp equipage and ammunition for the officers and men, and also forage for horses.

SEC. 10. The amount of rations and forage shall not exceed the following, to wit: For each man's daily allowance, twelve ounces bacon or twenty ounces beef, twenty ounces of flour or corn meal, two and two-fifths ounces of beans or peas, one and three-fifths ounces of rice, three and one-fifth ounces of coffee, three and one-fifth ounces of sugar, one-sixth gill of vinegar or pickles, one-sixth ounce candles, one-third ounce of soap, two-thirds of an ounce of salt, one-twenty-fourth of an ounce of pepper, four and four-fifths ounces of potatoes, sixteen twenty-fifths of an ounce of baking powder. The forage for each horse shall not exceed twelve pounds of corn or oats, and fourteen pounds of hay per day, and two ounces of salt per week; provided, that when in case of emergency the members of said force are employed in such duty that it is impracticable to furnish the rations herein provided for, each member of said force so employed shall be allowed for his necessary actual expenses for such subsistence not to exceed one dollar and fifty cents (\$1.50) per day; and provided further, that when it becomes necessary to move the members of said force from one place to another by railroad, the actual necessary expenses of such transportation shall be paid.

SEC. 11. The officers, non-commissioned officers and privates of this force shall be clothed with all the powers of peace officers, and shall aid

the regular civil authorities in the execution of the laws. They shall have authority to make arrests, and to execute process in criminal cases, and in such cases they shall be governed by law regulating and defining the powers and duties of sheriffs when in discharge of similar duties; except that they shall have the power, and shall be authorized to make arrests and to execute all process in criminal cases in any county in the State. They shall, before entering on the discharge of these duties, take an oath before some authority legally authorized to administer the same, that each of them will faithfully perform his duties in accordance with law. In order to arrest and bring to justice men who have banded together for the purpose of committing robbery or other felonies, and to prevent the execution of the laws, the officers, non-commissioned officers and privates of said force may accept the services of such citizens as shall volunteer to aid them, but while so engaged such citizen shall not receive pay from the State for such services.

SEC. 12. When said force, or any member or members thereof, shall arrest any person charged with the commission of a criminal offense, they shall forthwith convey said person to the county where he or they stand charged with the commission of an offense, and shall deliver him or them to the proper officer, taking his receipt therefor, and all necessary expenses thus incurred will be paid by the State.

SEC. 13. The Governor and Adjutant General shall cause to be made such regulations for the government and control of the organization herein provided for, and for the enlistment and employment of non-commissioned officers and privates, as they may deem necessary, to the end that the force so provided shall be as effective as possible.

SEC. 14. All laws and parts of laws, both general and special, in conflict with the provisions of this act, are hereby repealed.

SEC. 15. The fact that the Revised Statutes are indefinite; and that a defect exists, in that the privates of said force have no authority to execute criminal process, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate by two-thirds vote, yeas 23, nays 3.]

Approved March 29, 1901.

Takes effect 90 days after adjournment.

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EVIDENCE—ABSTRACT OF TITLES COMPETENT EVIDENCE  
WHEN.

H. B. No. 147.]

## CHAPTER XXXV.

An Act to amend an act entitled "An Act to amend Article 2313, Chapter 4, Title XL, of the Revised Civil Statutes of the State of Texas, 1895, relating to the introduction of certain abstracts of title as evidence," passed by the Twenty-fifth Legislature, being Chapter 108, of the General Laws of the Regular Session thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 2313, of Chapter 4, Title XL, of the Revised Civil Statutes of the State of Texas, of 1895, as amended by an act of the Twenty-fifth Legislature of the State of Texas, be amended so as to hereafter read as follows, to wit:

Article 2313. All abstracts of land titles, or land abstract books to lands in this State, compiled from the records of any county in this State, prior to the year 1890, which said records were partially or wholly destroyed or lost from any cause during the month of May, 1874, March, 1876, and January, 1889, shall hereafter be competent prima facie evidence of the truth of the data or memoranda therein contained and compiled prior to the year 1890, and shall be admissible in evidence in the courts of this State; provided, that the compiler or compilers of such abstracts of land titles or land title abstract books shall have made heretofore, or before offered in evidence, affidavit before some officer authorized at the time of making such affidavit to take acknowledgments to deeds in this State, and to the effect that said abstracts of land titles or land title abstract books were compiled by him from the records of the county prior to their destruction or loss, and that they contain a true and correct statement of the matters and things to which they relate; and provided, also, that it shall be admissible to offer in evidence any testimony tending to discredit or substantiate the reliability of such abstract of land titles or land title abstract books, or tending to show the compiler thereof to have been incompetent or unreliable, or competent and reliable; and provided further, that a copy of such abstract shall be filed in the papers of the cause in which it is sought to be used, and notice given to the opposite party at least five days before the trial, and the same defense may be made as if copies of the original record had been filed; provided further, that the party offering such abstracts of land titles or land title abstract books in evidence, shall himself or by his agent or attorney have made affidavit that the original instrument to which the said data or memorandum relates is not then on record; and that he has made diligent search and inquiry for the same in places and from persons where and in whose possession it would most probably be found, and has been unable to find the same; that to his best knowledge and belief the same is lost or destroyed; and provided further, that the owner of said abstracts of land titles or of land title abstract books shall have filed with the county commissioners court his application in writing (which may be granted or refused, in the discretion of said court, and if refused this article shall not become of force as to said application so refused) for an order of said court admitting to record in said court the contract of the said owner in writing, wherein the said owner

shall bind himself, his heirs and assigns, as follows: That said owner, his heirs or assigns will, whenever requested in writing setting forth the data required by any party to any suit interested in introducing said abstracts of land titles or land title abstract books, produce the same without charge on the day demanded for introducing in evidence and upon the trial of any cause in this State; provided, that if said owner, his heirs or assigns, are required to produce said abstracts of land titles or land title abstract books in courts of any other county than that to the lands of which said abstract of land titles or land title abstract books pertain, they shall be by the party at whose instance such production is required, reasonably compensated in advance for the time and expense of the said owner, his heirs or assigns. And the said owner in said contract shall bind himself, his heirs and assigns, to answer in full damages to any party damaged by the failure or default of the said owner, his heirs or assigns; without good cause, to produce said abstracts of land titles or land title abstract books, data or memoranda, when demanded, as herein provided. And said contract shall further stipulate that no charge shall ever be made by said owner, his heirs or assigns, in excess of one dollar for each instrument or remove in any title in the compilation of a complete abstract or title to the lands in the county to which said abstracts of land titles or land title abstract books pertain, and that said owner, his heirs and assigns, will, upon request and payment of the fees therefor by any person, either make, compile and certify, or cause to be made, compiled or certified, within a reasonable time, a complete abstract of title to any land to which said abstracts of land titles or land title abstract books pertain; provided, that nothing herein contained shall ever be construed to in any way affect or apply to any suit or suits pending in any of the courts in this State on the 12th day of July, 1891; provided further, that the provisions of this article shall not apply if it can be shown by competent evidence that any such deeds were improperly recorded; provided, that whenever any person, company or corporation has heretofore complied with the law which is amended hereby, in order to make an abstract evidence, the said person, company or corporation shall not be required to do anything more or further under this act, in order to have the benefits thereof.

SEC. 2. Whereas, the enacting at this session of the present Legislature of the legislation contemplated by this bill is imperiled by the great number of bills pending before the body, therefore an emergency exists, creating an imperative public necessity, justifying the suspension of the constitutional rule requiring bills to be read on three several days; and it is therefore suspended, and that this act take effect and go into force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 91, nays 0; and was reported to Senate where it was amended and passed by two-thirds vote, yeas 23, nays 1; House concurred in Senate amendments by two-thirds vote, yeas 94, nays 0.]

Approved March 29, 1901.

Became a law March 29, 1901.

## RAILROADS—ACQUIRING RIGHT OF WAY FOR CERTAIN PURPOSES.

S. B. No. 16.]

CHAPTER XXXVI.

An Act to amend an act entitled "An Act to amend Article 4445 of the Revised Civil Statutes of the State of Texas, and to authorize railroad corporations to acquire new right of way for the purpose of shortening the line or reducing the grades," being Chapter 68 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, and to authorize railroad corporations to acquire new right of way for the purpose of shortening the line or reducing the grades, and to acquire land for the construction of reservoirs for water supply, and to provide that the limitation of width prescribed in Article 4425 of the Revised Civil Statutes shall not apply to real estate acquired for purposes other than right of way, and that such other real estate need not adjoin or abut on the right of way.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 4445, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so that it shall hereafter read as follows:

Article 4445. If any railroad corporation shall at any time be unable to agree with the owner for the purchase of any real estate or the material thereon required for the purposes of its incorporation or the transaction of its business for its depots, station buildings, machine and repair shops, for the construction of reservoirs for the water supply or for the right of way or for new right of way for change or relocation of road bed to shorten the line or any part thereof or to reduce its grades or any of them (which is hereby authorized and permitted) or for any other lawful purpose connected with or necessary to the building, operating or running its road, such corporation may acquire such property in the manner provided in this chapter; provided, that the limitation in width prescribed in Article 4425, shall not apply to real estate or any interest therein required for the purposes herein mentioned, other than right of way, and that real estate or any interest therein to be acquired for such other purposes or any of them need not adjoin or abut on the right of way; provided further, that no change of the line through any city or town or which will result in the abandonment of any station or depot, shall be made except upon written order of the Railroad Commission of Texas, authorizing such change; and provided further, that no railroad corporation shall have the right under this act to condemn any land for the purposes mentioned in this section situated more than two miles from the right of way of such railroad corporation.

SEC. 2. The fact that it is now doubtful whether railroad companies, under the present law, have all the powers conferred by Section 1, hereof, and that the public interest will be promoted by the exercise of such powers, creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 5; and was reported to the House of Representatives, where it was amended and passed, no vote



given; Senate refused to concur in House amendments, and asked for Free Conference Committee; report of Free Conference Committee adopted by the Senate by two-thirds vote, yeas 23, nays 1; report of Free Conference Committee adopted by the House by two-thirds vote, yeas 94, nays 11.]

Approved April 1, 1901.

Became a law April 1, 1901.

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## COKE COUNTY, KIMBLE COUNTY—JURISDICTION OF COUNTY COURT.

H. B. No. 23.]

### CHAPTER XXXVII.

An Act to restore to and confer upon the county courts of Coke county and Kimble county the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State; to conform the jurisdiction of the district court of said counties to such change; and to repeal all laws in conflict with the provisions of this act in so far as they relate to Coke and Kimble counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county courts of Coke county and Kimble county shall hereafter have exclusive original jurisdiction in civil cases, where the matter in controversy shall exceed in value two hundred dollars and shall not exceed five hundred dollars, exclusive of interest, and that they shall have concurrent jurisdiction with the district court of said counties when the matter in controversy shall exceed five hundred dollars and not exceed one thousand dollars.

SEC. 2. Said county court shall have appellate jurisdiction in civil cases over which justice courts have original jurisdiction when the judgment of the court appealed from on the amount in controversy shall exceed twenty dollars; and said county courts shall have power to hear and determine cases brought up from justice's courts by certiorari under the provisions of the title of the Revised Statutes relating thereto.

SEC. 3. The county judges of said county shall have authority, either in term time or in vacation, to grant writs of mandamus, injunction, sequestration, garnishment, attachment, certiorari, supersedeas, and any and all other writs necessary to enforcement of the jurisdiction of said courts, and shall have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the district court or judge thereof.

SEC. 4. Said county courts shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases of which said courts have jurisdiction.

SEC. 5. Said county courts shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except in cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars; and said courts shall also have appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said counties have original jurisdiction.

SEC. 6. The district court of Coke county and Kimble county shall no longer have jurisdiction of cases of which the county courts of said counties, by the provisions of this act, have exclusive original or appellate jurisdiction; and it shall be the duty of the clerk of the district court of Coke county and Kimble county, within thirty days after the passage of this act, to make a full and complete transcript of all orders on the docket and minutes in cases now pending before the district court, of which cases, by the terms of this act, exclusive jurisdiction is given to said county courts, and he shall deliver said transcript, together with the original papers and certified bill of costs, to the clerks of said county courts, and said county clerks shall enter said cases on the docket for trial by said county courts.

SEC. 7. The county courts of said counties shall hereafter hold their regular terms for civil and criminal business as provided in the Constitution and General Laws of the State, and process heretofore issued from the district court of said counties, in cases to be transferred under this act to the county courts of Coke county and Kimble county shall be returnable to the first term held by said county courts after this act shall go into effect, and all cases transferred shall be entered as appearance cases upon the docket of said county courts.

SEC. 8. The county courts of Coke county and Kimble county shall have, as now, the general jurisdiction appertaining to probate matters or courts for the probate of wills, appointment of guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, and for the issuance of letters testamentary and of administration, settlement of accounts of administrators and guardians, and the settlement and distribution of estates of decedents, and the apprenticeship of minors, and all other necessary powers conferred by law upon courts of probate.

SEC. 9. That all laws and parts of laws in conflict with the provisions of this act, in so far as relate to the counties of Coke and Kimble, be and the same are hereby repealed.

SEC. 10. Whereas, the county courts of Coke county and Kimble county are without jurisdiction, which is necessary for the just and proper administration of the law, creates such an emergency and public necessity that require the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is therefore suspended, and it is enacted that this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 29th day of March, A. D. 1901, but was not signed by him nor returned to the House in which it originated with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## HOOD COUNTY—ROAD SYSTEM.

H. B. No. 64.]

CHAPTER XXXVIII.

An Act to provide a more efficient public road system for the county of Hood.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners court of Hood county shall be ex-officio road commissioner of his respective district and, under the direction of the commissioners court, shall have charge of all teams, tools and machinery belonging to the county and placed in their hands, and it shall be their duty, under such rules and regulations as the commissioners court may provide, to superintend the laying out of new roads, and the making, changing and repair of roads, and the building and repair of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to their regular bond as such commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of the county, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the commissioners court, and that they will account for all property or money belonging to the county that may come into their possession, provided, that with the consent of the commissioners court, any one of said commissioners shall be allowed to appoint a competent person as deputy road commissioner, who shall be required to execute the same bond as required of commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioners when a deputy commissioner has been appointed, except for work done by him as such road commissioner in case of urgent necessity.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty to adopt such system for working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working. Said commissioners shall have power to purchase such teams, tools and machinery for the working of its roads. Said court shall have power to construct, grade or otherwise improve any road or bridge by contract. In such cases said court or county judge may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county, for the use and benefit of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. At the time of making such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the same shall not be used for any other purpose, and it can only be paid out on the order of said court, and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked, shall receive a credit of fifty cents a day on his fine first and then on the costs for each day he may labor. Said commissioners court may provide such regulations and punishments as may be necessary to cause such convict to perform good work, and may provide a reward not exceeding ten dollars, to be paid out of the road and bridge fund, for the capture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict and worked out or paid by him as part of the cost. The commissioners court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful service and good behavior, in no case to exceed one-sixth of the whole time. The commissioners court may, at a regular term, make such provision for prisons, clothing, bedding, food, medicine and medical attention and guards for the safe keeping and humane treatment of convicts. Said court may allow to the officers and witnesses such amount of their costs for the arrest and conviction of such convict as it may deem best; provided, that it shall not allow to any officer an amount greater than the following: County judge, \$3.00; county attorney, \$5.00, including commissions; county clerks and justices of the peace, \$1.70; sheriffs and constables, \$5.00; which amount shall be paid to the officers out of the road and bridge fund, upon the order of said court, when such fine and costs shall have been worked out as provided in this section; provided, that this section shall not be construed as to relieve any convict from payment of all costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control over all road overseers in his district; and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioners and shall fix the liability of the overseers; and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damage to the same while in his possession, caused by his negligence or want of due care of the same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners court. It shall be the duty of the road overseer, when he has finished work on his road, to return to said commissioner all teams, tools and machinery received from him, and take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner when acting as road commissioner to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all road overseers of his district and the provisions of this section shall extend to work done under contract, unless by special provisions in the contract the road commissioner is relieved of the duties herein required.

SEC. 6. The commissioners may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service, as prescribed by the General Laws of the State shall be extended beyond that time; and provided, that all road hands in any district shall, as far as practical, be worked a uniform time. Each road overseer, or in his absence, anyone deputed by him, shall have full control of all road hands within his road district, and shall see that each hand, when he is called out, performs a good day's work; if any hand when so called out shall fail or refuse to perform a good day's work or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days in any one year a compensation not to exceed one dollar a day for the time so served; provided, that he shall make oath that the account is just and due.

SEC. 7. Any citizen of Hood county liable for road duty who shall before the February term of the commissioners court of each year, pay to the county treasurer the sum of three dollars, shall be exempt from road duty for such year. The treasurer shall receive and receipt for all moneys so paid him, and shall place the same to the credit of the road and bridge fund, and shall keep a separate account for each district from which it is received. The treasurer shall, on the first day of the February term of the commissioners court, or as soon thereafter as practical, furnish to each county commissioner a list of all persons in their respective districts that have paid the sum provided in this section.

SEC. 8. Every person liable to work on roads by paying to his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned and one dollar and fifty cents for each day he is summoned to furnish his team for road work shall be exempt from working or furnishing his team for each day paid for, and also exempt from any penalties for failure to work or furnish such team for the time for which he has so paid.

SEC. 9. Each person summoned to work on a road shall take with him an axe, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or, if he has no such tool as is desired and directed by the overseer to take with him, he shall take such suitable tools as he may have; provided, the county shall be liable for and the commissioners court under such regulations as they may prescribe, shall pay for all breakage or damage to such tools as may have resulted from public road work and not caused by the negligence of the person furnishing the same. Such road overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, that such hand shall be allowed two and one-half days' time for each day put in by a hand with his team, and one and one-half days' time for his team without such hand.

SEC. 10. If any person liable to work on the public roads, after being legally summoned, shall intentionally fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish

his team or tools at the time and place designated by the person summoning him, or to pay such overseer one dollar per day for each day he may have been notified to work the road, or to pay to said overseer the sum of one dollar and fifty cents for each day he may have been summoned to furnish himself and team for road work, or having attended shall fail to perform good service or any duty required of him by law or the person under whom he may work, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the commissioners court in February of each year, all road overseers shall make their reports, under oath, upon forms furnished by said court, which said report shall be examined by said court; and all accounts for services or labor performed for over work by such overseer during the past year, and of moneys had and expended by him, shall be audited and settled; and as soon thereafter as possible said commissioners court shall appoint and commission road overseers for the succeeding year. Any road overseer intentionally failing to perform his duties as said road overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or the commissioners court or by the commissioner of his district or his deputy, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall become necessary to occupy any land for the opening, straightening, widening or draining or repair of any road or part thereof, if the owner and the commissioners court cannot agree upon the price of such land or the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad can condemn land for right of way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. It shall be lawful for any delinquent poll taxpayer in Hood county to perform two days service upon the public roads in his road precinct in each and every year, in discharge of said delinquent poll tax, unless the poll tax now provided for by the General Laws of Texas shall be changed, in which case a proportionate time for service shall be held to discharge said delinquent for one year's poll taxes; provided further, that this act shall not be held to annul any laws upon the General Statutes of Texas for the collection of delinquent poll taxes, but cumulative thereto in Hood county; and provided further, that such delinquent taxpayers shall perform such road service under the direction of the overseer, under the same regulations herein provided for parties subject to road service under the General Laws of the State; and it shall be the duty of the tax collector to furnish a list of all delinquent poll taxpayers of each district to the commissioner of said district before the first day of March of each year.

SEC. 14. The commissioners court shall be authorized to levy and collect a tax of not exceeding fifteen cents on the hundred dollars, to be used exclusively for road and bridge purposes, and the same shall be disbursed by the said court as they may deem best; provided, said court

shall set aside annually, out of said fund, a sum sufficient to pay interest and provide a sinking fund necessary to discharge all outstanding road and bridge bonds as they mature.

SEC. 15. Whenever two-thirds of the property taxpayers of Hood county voting at an election for that purpose, shall favor, the commissioners court of said county shall be authorized to levy and collect a special tax of not exceeding fifteen cents on the one hundred dollars for road and bridge purposes, the same to be disbursed as hereinbefore provided.

SEC. 16. The fact that there are outstanding against said county, twelve thousand five hundred dollars in bonds for bridge purposes exclusive, and provision to meet the exigencies of these bonds, out of the road and bridge fund, operates a disadvantage to the public roads of said county, therefore, whenever a majority of the property taxpayers of Hood county voting at an election for that purpose, shall favor, the commissioners court shall be authorized to negotiate the sale of twelve thousand five hundred dollars in forty year bonds of said county to be sold at or above par, and not to bear exceeding four per centum per annum, the same to be used for road and culvert purposes exclusive.

SEC. 17. Whenever the cost of a piece of road improvement or the cost of a bridge shall exceed two hundred dollars, the commissioners court shall cause the same to be done by contract as hereinbefore provided.

SEC. 18. Every county commissioner shall, as soon as practical, after the February term of the commissioners court take a list of all hands in his district, and also the number of miles of road in his district to be worked; provided, that no third class road, except those leading to or towards the county seat, shall be included, and the condition of such roads severally, and the approximate amount of work each and every road shall require to keep the same in, as far as possible, uniform condition, and apportion said hands so that no set of hands shall be required to do more than their proportionate share of road work in said district. All third class roads contrary to the provisions of this section are hereby killed.

SEC. 19. Every county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to two dollars per day for the services actually performed, provided, said sum to be paid him shall not exceed thirty dollars per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, specifying the number of days work actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner either for himself or his deputy while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting and riding over his roads, or for any other road service.

SEC. 20. This act shall be taken notice of by all the courts in the same manner as a general law of this State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act

shall control as to Hood county; and all local or special laws in conflict herewith are hereby repealed.

SEC. 21. The fact that there is now no sufficient general road law in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 29th day of March, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

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### THIRTY-SECOND JUDICIAL DISTRICT — REORGANIZATION OF.

H. B. No. 122.]

#### CHAPTER XXXIX.

An Act to reorganize the Thirty-second Judicial District of Texas, and to designate the counties which compose the same; to prescribe the time for holding the district courts therein; to validate all process, writs and bonds issued or executed prior to the taking effect of this act, and returnable to the terms of said court as heretofore fixed by law, and to make same returnable to the terms of said court as fixed in this act, and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Thirty-second Judicial District shall hereafter be composed of the counties of Nolan, Mitchell, Howard, Martin, Midland, Ector, Borden, Glasscock and Ward, and the unorganized counties of Andrews, Gaines, Terry, Yoakum, Crane, Upton, Dawson and Garza.

SEC. 2. That the terms of the district court shall hereafter be held in said district as follows:

In the county of Midland, on the first Monday in February and September in each year, and may continue in session two weeks.

In the county of Martin, on the third Monday of February and September in each year, and may continue in session two weeks.

In the county of Howard, on the fourth Monday after the first Monday in February and September of each year, and may continue in session two weeks.

In the county of Glasscock, on the sixth Monday after the first Monday in February and September in each year, and may continue in session one week.

In the county of Borden, on the seventh Monday after the first Monday in February and September in each year, and may continue in session two weeks.



In the county of Nolan, on the ninth Monday after the first Monday in February and September in each year, and may continue in session three weeks.

In the county of Ector on the twelfth Monday after the first Monday in February and September in each year, and may continue in session two weeks.

In the county of Ward, on the fourteenth Monday after the first Monday in February and September in each year, and may continue in session two weeks.

In the county of Mitchell, on the sixteenth Monday after the first Monday in February, and on the seventeenth Monday after the first Monday in September of each year, and may continue in session until all business is disposed of.

SEC. 3. The unorganized counties of Crane and Upton, are hereby attached to Midland county for judicial and surveying purposes.

The unorganized counties of Andrews, Gaines, Yoakum and Terry are attached to Martin county for judicial and surveying purposes.

The unorganized county of Dawson, is hereby attached to Howard county for judicial and surveying purposes.

The unorganized county of Garza, is hereby attached to Borden county for judicial and surveying purposes.

SEC. 4. That all process, writs and bonds issued or executed prior to the taking effect of this act, and returnable to the terms of said court, as heretofore fixed by law, in the several counties composing said district, are hereby made returnable to the terms of said courts as fixed in this act; and all process heretofore returned as well as all bonds and recognizances heretofore entered into in any of said courts, shall be as valid as if no change had been made in the time of holding said courts.

SEC. 5. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 6. The fact that the crowded condition of the docket of El Paso county, a county in the same judicial district as that from which Ward county is taken by this act, is such as to require all of the time of the court heretofore given to Ward county, therefore the convenience of the people and the crowded condition of the docket of said El Paso county, create an emergency, and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days in each branch of the Legislature and a great public necessity exists, and the emergency requires that this bill take effect from and after its passage; said rule is therefore suspended and this act shall be in force and effect from and after the passage thereof, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by two-thirds vote, yeas 24, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 28th day of March, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objection thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## LEON COUNTY—ROAD SYSTEM.

H. B. No. 244.]

## CHAPTER XL.

An Act to create a more efficient road system for Leon county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and defining the powers and duties of such county commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts on the public roads of said county; and providing for officers' fees and rewards and penalties for said convicts, and rewards for the capture of escaped convicts; and to provide for the manner of training and maintaining hedges along all public roads; and to provide for the summoning of teams for road work, and for allowance for time of road service for the same; and fixing a penalty for violation of this act; and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Leon county shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners court shall have charge of all teams, tools and machinery belonging to the county, and placed in their hands by said county; and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners court, and that he will account for all money or property belonging to the county that may come into his possession.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty, to adopt such system of working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract. In such case said court, if they deem it necessary, or the county judge, may advertise, in such manner as the court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. The said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked

shall receive a credit of fifty cents on his fine and costs for each day he may so labor. Said commissioners court may provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work; and may provide a reward, not exceeding ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict, and worked out or paid by him as a part of the costs. The commissioners may grant a reasonable commutation of time for which a convict is committed as a reward for faithful services and good behavior, in no case to exceed one-tenth of the whole time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts. The commissioners court may, at a regular term, allow to the officers such amount of their costs for the arrest and conviction of said convict as it may deem best; provided, that it shall not allow to any officer a greater amount than he is now or may hereafter be allowed by general laws; provided, that this shall not be construed to relieve any convict from the payment of all costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer; and any commissioner or overseer who shall have been intrusted with any teams, tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession, caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purpose without the consent of the commissioners court. It shall be the duty of the road overseer when he has finished work on his roads to return to said commissioner all tools and machinery received from him, and take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner, when acting as road overseer, to inform himself of the condition of the public roads in his district, and he shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 6. The commissioner may require of each overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service as prescribed by the general laws shall be extended beyond that time; and provided, that all road hands in any particular district, as far as practicable, be worked a uniform time. Each road overseer, or, in case of his absence, any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand when called out shall perform a good day's work; and if any hand when so called out shall fail or refuse to perform a good day's work,

or to work in the manner the road overseer directs, shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 7. Any citizen of Leon county liable for road duty who shall on or before the first day of February of each year pay to the county treasurer the sum of three dollars shall be exempt from all road duty for such year, beginning on the first day of February. The treasurer shall receive and receipt for all moneys so paid him, and shall place the same to the credit of the road and bridge fund. The treasurer shall, on the third day of February, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 8. Every person liable to work on roads, by paying his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work, and one dollar and fifty cents for each day that he is summoned to furnish his team for road work, shall be exempted from working or furnishing his team for each day paid for, and also be exempt from any penalties for failure to work or furnish such team for the time for which he has so paid.

SEC. 9. Each person summoned to work on a road shall take with him an ax, hoe, pick, spade, plow, scraper, or such other tool as may be desired or directed by the overseer, or if he has no such tools as are desired by the overseer to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for, and the commissioners court, under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days' time for each day put in by hand with his team, and one and one-half days' time for his team without such hand.

SEC. 10. If any person liable to work on public roads, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or having attended shall have failed to perform such good service or any other duty required of him by law, or the person under whom he may work, shall be deemed guilty of a misdemeanor, and on conviction thereof, fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the commissioners court in February of each year, all road overseers shall make their report, under oath, upon forms to be furnished them by said court, which said reports shall be examined by the said court, and all accounts of moneys had and expended by him shall be audited and settled; and as soon thereafter as practicable, said commissioners court shall appoint and commission road overseers for the succeeding year, and in the event of the death, refusal or inability to act upon the part of any road overseer so appointed, the county com-

missioner of the precinct shall have authority to fill the vacancy, and report his action in writing to the county clerk, who shall record the same in the minutes of the commissioners court, either in term time or vacation. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duties required of him by law or by the commissioners court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for opening, widening, straightening or draining any road or part thereof, if the owner of such land and the commissioners court cannot agree upon the damage to be paid, the county may proceed to condemn the same in the manner that a railroad company may condemn land for a right of way, and the same proceedings may be had, and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the general law relating to the opening of public roads by juries of view, but this section shall be cumulative thereof, and the commissioners court of Leon county may act under such general law or the provisions of this section, at their option, in such case.

SEC. 13. It shall be the duty of the overseer to keep all hedges on or near the public road trimmed, so that the same shall not obstruct said road, and shall not be of greater height than eight feet. The owner of any such hedge who shall refuse to have same trimmed, the overseer upon an order from the county commissioner of his precinct shall cause the same to be trimmed in accordance with the provisions of this act.

SEC. 14. Each county commissioner, when acting as road commissioner, and performing the duties imposed upon him by law, or by the commissioners court, shall be entitled to three dollars per day for services actually performed; provided, that he shall not draw such pay for more than thirty-five days per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners court, and the court shall not approve such account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over roads, or for other road service.

SEC. 15. This act shall be taken notice of by all courts in the same manner as the General Laws of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to the county of Leon, except where otherwise provided herein.

SEC. 16. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several

days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by two-thirds vote, yeas 23, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 29th day of March, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## CORYELL COUNTY—ROAD SYSTEM.

H. B. No. 249.]

### CHAPTER XII.

An Act to create a more efficient road system for Coryell county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; prescribing the duties of the road overseers; providing for exclusive use of road funds on public roads, and for ordering an election; providing for the payment of a tax by road hands in lieu of working the roads; providing a compensation to be allowed for use of tools and teams on road; providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers on public roads, and relieving them from such work by the payment of three dollars; providing for the amount of money to be paid to hands on road; and providing further, making this law cumulative of the General Laws of the State, and in case of a conflict, this act to govern as to Coryell county, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Coryell county shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners court, shall have charge of all teams, tools and machinery belonging to the county, and placed in their hands by said court; and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges.

Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law, or by the commissioners court, and that he will properly account for all money or property belonging to the county that may come into his possession; provided, that with the consent of the commissioners court, any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of the commissioners in this section; and such deputy road

commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that a county commissioner shall not be allowed any compensation as road commissioner when a deputy road commissioner has been appointed.

SEC. 2. The commissioners court of said county shall have power and authority, and it shall be their duty to adopt such system for working, laying out, draining and repairing the public roads in said county as they may deem best, and from time to time said court may change its plan or system of working; provided, that all culverts and bridges shall be of sufficient size to carry the waters of the heavy rains, and that all ditches shall be cut on the outer edge of the road when not prevented by some natural obstacle.

Said commissioners court shall have power, and it shall be their duty to purchase such teams, tools and machinery as may be necessary for the working of its roads.

SEC. 3. Each county commissioner shall have control over all road overseers of his district, and together with them, shall oversee the working of all the roads in said districts. Each commissioner shall have control of all teams and tools and machinery belonging to his district, and shall oversee the working of all bad or difficult places in any of the roads in said district.

He shall have the authority to employ such a number of hands as he may find necessary to operate such machinery as he may have; provided, that he shall not have the authority to employ such hands when a sufficient number of road hands can be had at the time. When the commissioner wishes to work any part of any road in his district, he shall notify the road overseer of that part of the road, at such time and in such manner as he may think best, of his intentions, and direct said overseer to furnish, or warn out, for his use, such a number of road hands belonging to said road as the commissioner may think necessary to perform the work contemplated by him. If there be not a sufficient number of hands on such road who have not put in full time or paid their road tax, the commissioner shall have the authority to employ hands to do the work; provided, that he shall, at all times, give preference to hands belonging to such road. Each commissioner shall do good and substantial work on all first and second class roads in his district, but he shall have some regard for any contribution of money or labor given by the hands of any road to assist in the working of their road, and when necessity does not require him to work elsewhere, he shall work the road offering the greatest contribution.

The county commissioner shall, while acting as road commissioner, oversee the construction of any bridge to be erected in his district, and when the nature of the work is such as to require the employment of a proficient workman, he shall employ such workman at not exceeding three dollars per day. The commissioner shall furnish such other hands as may be necessary.

The commissioners court shall not have the right to enter into any contract to have work done upon the public roads, but should any part of any road need working and the commissioner has not the time to do the work, he shall direct the road overseer to proceed to do the necessary work. Nothing contained in this section shall be so construed as to prevent the county commissioners court from entering into contracts for

the construction of bridges the cost of which exceeds two thousand dollars.

SEC. 4. Each commissioner shall keep an account, or memorandum, of all money spent by him upon the public roads, showing each every item spent and the object or thing purchased; said memorandum shall show the number of hands employed, the name of each, and the number of days each was employed and the amount of money paid to each. He shall make a report to the commissioners court at the end of every three months setting forth the contents of the memorandum aforesaid, and showing the amount of money received by him as road taxes and the name of each person so paying the same. He shall be required to testify to the correctness and truthfulness of said report before the county judge of Coryell county.

SEC. 5. Each road overseer shall, during each year, call out all hands subject to road duty, to work five days, and in case the term of service as prescribed by the General Laws of the State shall be extended beyond that time, then they shall be called out to work as many days as may be so allowed. Each road overseer, when not working in connection with the county commissioner, shall have control of road hands within his road district, and he shall see that each hand, when called out, shall perform a full day's work consisting of eight hours, and if any hand when so called out shall fail or refuse to perform a good day's work, or work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

Any road overseer may, when he deems it expedient, and at the time of notifying any hand to work upon the road, also summons such hand as may be the owner of a team suitable for road work, to bring such team with him to be used in working upon the road during such time as the hand may be notified to work upon the road, and after such notice given, if such hand fail or refuse to bring his team as notified to do, he shall be liable to the same penalty as if he failed to appear in obedience to the summons; provided, that any hand furnishing a team shall be allowed two days' work for himself and team, or one day's work for his team alone.

SEC. 6. Any citizen of Coryell county liable to road duty, who shall pay the county treasurer by the first day of February of each year, or who shall pay the commissioner of his district at the time of receiving his notice to work the road, or at any date previous to receiving such notice, the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of January; any person liable to road duty who fails to pay said tax of three dollars, shall for all days he fails to appear and work the road after receiving legal notice be required to pay the sum of one dollar; provided, that he shall have the privilege of sending in his stead an able bodied person. No person shall have the right to work out his road tax.

The treasurer or the county commissioner to whom the money may be paid shall receive the same and receipt for it, and when any money shall be so paid to the commissioner, it shall be by him promptly paid to the county treasurer, who shall also receive and receipt for all money paid to him by such commissioner, and when the treasurer may receive any money under the provisions of this section he shall place the same to the credit of the road and bridge fund, and he shall keep a separate account



for each road district from which it is received; and the county treasurer shall, as soon after each payment hereunder as practicable, furnish to each commissioner a list of all persons in their respective road districts that have paid said sum as provided in this section; together with the name of the road overseer under whom each man so paying said tax belonged. The commissioner shall keep a separate account of all money paid in by the hands belonging to each road, and at no time shall he use the money belonging to one road or part of a road upon a road to which the hand so paying the same did not belong.

SEC. 7. It shall be the duty of each overseer to report in writing and under oath to the commissioners court of his county at the first regular term thereof in each year, upon forms to be furnished them by said court, giving the number of the hands and their names in his precinct liable to work on the roads; the number of days he has caused his road to be worked; the condition of such road; the number of days each hand has worked; the amount of money spent by him upon such road; and, if authorized to receive money by the commissioner, the amount of money received and receipted for by him and the names of the hands from whom said money was received; provided, that no road overseer shall be authorized to receive or collect any money connected with the road and bridge fund until he has made a good and sufficient bond, payable to the county judge of Coryell county, for the benefit of the road and bridge fund, in such sum as the commissioners court may prescribe, said bond to be approved by the commissioners court, and which shall be conditioned that he will promptly account for, and promptly pay over to the county treasurer, all the money coming into his hands as road overseer. It shall be the duty of the road overseers to keep the commissioners of their districts informed as to the condition of the roads under their charge.

Any overseer intentionally failing to perform his duties as such overseer or failing or refusing to make his report as required by law, or to perform any other duty required of him by law, or the commissioners court, or by the commissioner of the district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 8. Every delinquent poll taxpayer of Coryell county who shall fail or refuse to pay his poll tax, and if such tax cannot be otherwise collected by law, shall be compelled to pay such tax by working on the public county roads of such county for three full days.

In order to enforce the provisions of this section, the tax collector of the county shall furnish to the several road commissioners of the county the names of all defaulting poll taxpayers of the county, on the first day of March of each year, giving the place of residence of such defaulting taxpayer, together with the amount due and unpaid by him.

It shall be the duty of the road overseer, whenever any defaulting poll taxpayer shall have discharged and paid the same, as herein provided, to report the same back to the tax collector, who shall credit the party on the tax rolls for the amount paid and shall thereupon forward him a receipt for the amount; said overseer shall also report the same in his regular report to the commissioners court.

The person required to do road duty under the provisions of this section, shall be subject to prosecution for failure to so work, and subject

to the same liabilities and punishments provided by the criminal laws of the State for other cases for failure to appear and do good work when summoned so to do. And when they are convicted for so failing to work the roads they shall satisfy the fine and costs as in other convictions of misdemeanor.

But any person summoned to work on the road, under the provisions of this section, may satisfy said summons and be relieved from said duty by paying to the road overseer, road commissioner or county treasurer, the sum of three dollars, all of which shall go to the road and bridge fund.

This article shall apply as well to the delinquent poll taxpayers in incorporated cities and towns as to those outside of said cities and towns.

SEC. 9. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, grading, making embankments, filling or draining any road, or part thereof, if the owner of such land and the county commissioners court cannot agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for a right-of-way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 10. Any road commissioner may enter upon and take from any land adjacent to any first or second class road, earth, gravel, stone or other material necessary for the construction, repair, grading or improving of such road, except fuel and wood, paying therefor, if the owner of such land and the commissioner can agree on the price thereof, the value of such material taken and the amount of damage occasioned to such land or appurtenances, and if such owner and road commissioner cannot agree, then the value of such material and the damage occasioned to such real estate may be ascertained, determined and paid as provided for in Articles 4446 and 4447, of the Revised Statutes of 1895.

SEC. 11. Each county commissioner, when not using the teams and tools and machinery belonging to the road of his district, may have the authority, under such conditions and regulations as the commissioners court may provide, to loan out or let out to any one or more road overseers of his district, said teams, tools and machinery for use upon the public roads.

SEC. 12. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law, or by the commissioners court, shall be entitled to two dollars per day for services actually performed; provided, he shall not receive more than seventy-five dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners court, and approved and signed by the county judge; provided, that the commissioners court, acting as such, and the county judge, acting as such, shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days work actually performed by him, and that it was necessary to be done, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of a county commissioner.

The road commissioners shall have the authority to pay any hands

they may employ under the provisions of this act, when such hands can not be had for a less sum, the amount of one dollar and fifty cents per day for hands to operate any road machinery, and one dollar per day for all other hands, not heretofore provided for; provided, that no hands shall be employed when a sufficient number of road hands can be had.

The commissioners court may allow to any overseer, who shall be engaged in the discharge of the duties of his office for more than five days during one year, a compensation not to exceed one dollar and twenty-five cents per day for the time so served, when such extra work is ordered by the commissioner of his precinct. The commissioners court shall at no time create a deficiency in said road and bridge fund, nor shall any bonds be issued under any of the provisions of this act.

SEC. 13. All taxes that may be paid into the road and bridge fund of the county of Coryell, State of Texas, after the passage of this act, or that may be on hand in such fund at the time of the passage of this act, shall be used for the exclusive use and benefit of said road and bridge fund, and it shall be unlawful for the commissioners court to transfer any part of it to any other fund or to use any part of it for any other purpose.

SEC. 14. That this act shall be taken notice of by all courts in the same manner as the General Laws of this State, and it shall be construed to be cumulative of the General Laws of the State, on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to the county of Coryell.

SEC. 15. The fact that the Legislature is rapidly drawing to a close, and the condition of the road system of Coryell county is such as to require immediate action, creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate, where it was amended and passed by two-thirds vote, yeas 24, nays 0; House concurred in Senate amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 29th day of March, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

INDEPENDENT SCHOOL DISTRICTS—AUTHORITY TO LEVY  
TAXES FOR CERTAIN PURPOSES.

H. B. No. 106.]

## CHAPTER XIII.

An Act to authorize independent school districts which have been or may hereafter be created by special act of the Legislature to levy and collect taxes for the support, maintenance and equipment of public schools; to issue and sell bonds for the purchase of school sites and the erection, equipment and furnishing of school buildings; to further define and declare the duties of trustees in the conduct of such districts; to make it the duty of the Attorney General to examine said bonds and to approve the same if satisfied that they are valid and binding obligations of the district by which they purport to have been issued; and to repeal those provisions of special laws creating such districts which may conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* Independent school districts heretofore created by special act of the Legislature, shall have the power to levy and collect taxes; to issue and dispose of bonds; to provide for the payment thereof, and to do and perform any and all other acts as by this law provided.

SEC. 2. Whenever twenty or more qualified taxpaying voters of any such district shall make a request to that end by application to the board of trustees of such district, said board shall enter an order for an election to be held in said district to determine whether a tax shall be levied or not; the said application shall designate the amount of tax asked to be levied, or shall designate an amount of tax of which the whole, or so much thereof as may be deemed necessary by said board of trustees, is asked to be levied; and the order of said board shall state the date of said election, which shall not be less than thirty nor more than sixty days after the date of said order, and shall designate at what point or points the polls shall be opened; and said order shall further designate the amount of the tax, or the amount which is not to be exceeded as aforesaid, that is to be voted upon; provided, no election shall be held to determine the levy of a tax exceeding the limit of the taxing power of said district as fixed by law; and if a levy of less than said limit shall have been made, then, though a further election may be held to determine the levy of an additional tax, the sum of all such levies shall never exceed said limit.

SEC. 3. After the making of said order for an election the board of trustees shall provide for the posting of notices of such election at three public places in said district, which posting shall be at least three weeks prior to the date fixed for the election; and after one election has been held no other election can be held for the space of one year.

SEC. 4. The board of trustees shall appoint a presiding officer to hold such election at the voting place or places, and such presiding officer shall on or before the day of election select two judges and two clerks of election for each voting place, and said presiding officer with said judges and said clerks shall be managers of election, and said presiding officer and said judges and clerks of election shall take the oath prescribed by statute as in general elections; and it shall be the duty of said presiding officer to make a return of said election to said board of trustees, which return is to be made as is required by law in case of a general election; and all persons who favor taxation for school purposes

shall have written or printed on their tickets: "For school tax," and all persons opposed to such taxation shall have written or printed on their tickets: "Against school tax"; and if an election be to determine whether a tax shall be increased each voter favoring the increase of the school tax shall have written or printed on his ballot: "For increase of school tax," and those opposing such increase shall have written or printed on their ballots: "Against increase of school tax."

SEC. 5. All persons who are legal, qualified voters of this State and of the county of their residence, and who are resident property taxpayers in said district as shown by the last assessment roll of the county, shall be entitled to vote in any such school district; and if at any such election two-thirds of such qualified voters voting at such election shall vote for the tax, it shall be declared by the said board of trustees to have been carried in said district, and be so entered upon the records of said board; and in all cases the returning officer of election shall make a full and complete return as in other elections to said board within five days after said election has been held, and said return shall be opened and counted at the first regular meeting of said board of trustees and the result declared.

SEC. 6. Any person may challenge a voter, but if the challenged party take an oath that he is a qualified voter of the State and county, and that he is a resident property taxpayer in said district, he shall be entitled to vote.

SEC. 7. If the result of the election shall be in favor of the levy of the tax or the increase of the tax, as the case may be, then or at any time thereafter it shall be the duty of the board of trustees to levy said tax or said increase thereof upon all of the taxable values within such district, and to certify by writing under the seal of said district and signed by the president of said board to the county assessor of the county wherein such district is situated that said levy of said tax or increase of tax has been made, and thereupon it shall be the duty of the tax assessor of said county to assess the same as other taxes, and to make an abstract showing the amount of the special tax assessed against such district and to furnish the same to the board of trustees on or before the first day of September of the year for which said taxes are assessed, and said assessment of taxes shall be made in all regards as other taxes are now or may hereafter by law be prescribed to be assessed; and the taxes levied upon the property in said district shall be a lien thereon and the same shall be sold for unpaid taxes in the manner and at the time sales occur for State and county taxes, and be in every other regard collectible as is now or may be provided for the collection of State and county taxes; and the assessor shall be paid by the board this compensation, to say, one cent for each hundred dollars of value on all valuations up to two million dollars, and one-fourth of one cent for each hundred dollars of value on all sum in excess of two million dollars.

SEC. 8. The tax collector of the county wherein said district is situated shall collect the taxes levied for said district as other taxes, and shall pay all such taxes so collected to the treasurer of the board of trustees of said district, and shall receive a commission to be paid to him by the board for collecting said taxes of five per cent. on all sums collected up to four thousand dollars, and one and one-fourth per cent. on all sums collected in excess of four thousand dollars.

SEC. 9. The board of trustees is authorized to require of the county assessor a bond with two or more sureties satisfactory to said board, payable to the State of Texas, conditioned in a sum not exceeding one thousand dollars, for the faithful discharge by said assessor of his duties in making the assessment for said district; and the board may require of the county collector a bond with two or more sureties satisfactory to said board and to be payable to the State of Texas, in a sum not to exceed the total amount of taxes which he will collect, conditioned for the faithful discharge of his duties in the collection of taxes for said board and the payment of all moneys that may be received by him on said account to the treasurer of said board. And upon these bonds recovery may be had by the board of trustees in behalf of said school district for any breach thereof.

SEC. 10. Such independent school district shall have the power to issue bonds in order to acquire money with which to purchase grounds or sites for school buildings and to erect, furnish and equip school buildings as the board of trustees may determine, but subject to these restrictions upon said bond issue, to say:

1st. The bonds shall be issued in the name of said school district and shall be its obligations, and may be in such form as the board of trustees determine; but they shall mature not more than forty years after their date, and the rate of interest which they bear shall not exceed six per cent. per annum, and they may contain provisions as the board may deem proper whereby they may be paid before maturity.

2nd. The limitation upon the amount of such bond issue shall be, that, upon the basis of the taxable values in the district as ascertained by the assessment on the first day of January prior to the election to determine whether a tax shall be levied, the tax so levied pursuant to said election shall pay the expense of the assessment and collection of said taxes as before provided, the annual interest accruing on said bonds, and create the necessary sinking fund to pay said bonds at maturity; and no bonds shall be issued unless at the time provision shall be made to assess and collect annually a sum sufficient to pay said expense of assessment and collection of taxes and to pay the interest on said bonds and to create the necessary sinking fund, which shall not be less than two and a half per cent.

3rd. In any and all cases where an election has been held in any such independent school district under an order of its board of trustees, with or without petition therefor, at a time not more than three years prior to the approval of this act, and such election has resulted in favor of the levy of said tax, then said election shall warrant the issuance of bonds by said school district to the extent authorized as aforesaid by the taxable values of the property in said district as of date January the first prior to said election, and as such values may have been ascertained under the provisions of law creating such district. And in order to have a valid bond issue it shall not be necessary in such case to either have another election or another ascertainment of the values of taxable property.

SEC. 11. After providing for the payment of the assessing and collecting of said taxes and for the interest on said bonds and creation of the proper sinking fund, then the board of trustees of such district is authorized and empowered to expend any balance remaining of the taxes

collected, upon the support and maintenance of schools including further equipments of buildings, purchase of furniture, and payment of salaries of teachers.

SEC. 12. It shall be the duty of the Attorney General of the State, upon the presentation of such aforesaid bonds for his inspection, carefully to examine the same, inquiring into all the circumstances which may be necessary to determine their validity, and if satisfied that the said bonds were issued in conformity with law, and that they are valid and binding obligations of the district by which they purport to have been issued, he shall thereupon certify to their validity, and shall deliver his certificate to that effect to the said board of trustees, and a duplicate to the Comptroller; and should the said bonds be purchased from the said district, or from any authorized agent for it in the negotiation or sale of said bonds, they shall hereafter be held in every action or proceeding in which their validity may be called in question to be valid and binding obligations of the district issuing the same, unless issued fraudulently or in violation of constitutional limitations; and in every such action the said certificate of the Attorney General shall be admitted and received as prima facie evidence of the validity of the bonds and coupons thereto.

SEC. 13. This act shall repeal all portions of any special acts creating independent school districts which portions may be in conflict herewith but shall not impair or affect said special acts creating said districts so far as the same are not inconsistent with the provisions of this act, or impair or affect anything done or performed under said special acts prior to the passage of this act; and in all regards where neither said special act or acts nor this law have expressly prescribed the rule for guidance of the board of trustees in discharge of their duties as such, or in the conduct, management and operation of said school districts, then the provisions of the general law regulating schools in incorporate cities and towns assuming control thereof shall govern and apply.

SEC. 14. No provisions of this act shall apply to any school districts or independent school districts except such as have been created by special act of the Legislature or may hereafter be so created.

SEC. 15. The fact that there have been created independent school districts by special acts of the Legislature, and that a doubt has arisen as to their power to issue bonds, creates an emergency and an imperative necessity that the constitutional rule be suspended requiring bills to be read on three several days, and that this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 87, nays 0; and passed the Senate by two-thirds vote, yeas 27, nays 0.]

Approved April 2, 1901.

Became a law April 2, 1901.

## AMENDMENT TO ARTICLE 642, REVISED STATUTES OF TEXAS.

H. B. No. 433.]

## CHAPTER XLIII.

An Act to amend Subdivision 39, of Article 642, of Chapter 130, of the Acts of the Regular Session of the Twenty-fifth Legislature, entitled "An Act to amend Articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, relating to corporations," and to add to said Article 642 three new subdivisions, to be known as Subdivisions 58, 59 and 60, providing for the organization of fruit, vegetable and tobacco companies, and for the organization of exchanges, with authority to deal in the stocks of mining companies and for conducting the business of undertaker and embalmer.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Subdivision 39, of Article 642, of the above recited act sought hereby to be amended, and which reads as follows: "The establishment of land companies to buy, own, sell and convey real estate in any State or foreign country; but such company shall own only such real estate in this State as may be necessary for its office," be and the same is hereby amended so as to hereafter read as follows:

39. For the purpose of doing business in any State or foreign country:

a. The establishment of land companies to buy, own, sell and convey real estate and minerals and engage in mining, agriculture and stock raising.

b. Doing a general business in merchandise and manufactures.

c. The acquisition, construction, maintenance, operating and owning of power and illuminating plants, and systems of every character.

d. The acquisition, construction, maintenance, operating and owning of urban and other lines of railway and all other kinds of transportation and communication.

e. The improvement of harbors and rivers, and the acquisition, construction, ownership and operating of canals, irrigation works, wharves and warehouses, and all kinds of machinery, tools and materials used for all the purposes enumerated in this subdivision; provided, that any corporation organized under the provisions of this subdivision shall only own such real estate in this State as may be necessary for its office; provided further, that for every charter granted under the provisions of this act which may include more purposes than are contained in any one paragraph of this subdivision a separate franchise fee or tax shall be paid to the State of Texas for the additional purposes for which such corporation is organized under the various paragraphs of this subdivision.

SEC. 2. That Article 642 of the Revised Civil Statutes of the State of Texas, as amended by Chapter 130 of the General Laws of the Twenty-fifth Legislature, be amended by adding thereto Subdivisions 58, 59 and 60, to read as follows:

58. For the organization of companies for growing and selling of fruits, vegetables and tobacco.

59. For the organization of exchanges, with authority to deal in the stocks of mining companies.

60. For conducting the business of undertaker and embalmer.



SEC. 3. Whereas, many citizens of the State of Texas are desirous of forming corporations for the purpose of engaging in business in Mexico, Cuba, Puerto Rico, and the Philippine Islands, and various other foreign countries; and whereas, our present corporation laws are inadequate to confer such corporate powers as are necessary to the formation of such companies for the purposes and upon the terms provided in this act, and are now seeking incorporation in other States of the Union which allow incorporation for such purposes, thus depriving the State of Texas of the legitimate revenues that should be derived from the business enterprise of her citizens; and whereas, the present session of the Legislature is nearing its close and the calendars of the Senate and House are in a crowded condition, therefore, an emergency exists, and an imperative public necessity demands that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate, where it was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 2, 1901.

Takes effect 90 days after adjournment.

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HILL, GRIMES, COOKE, HUNT, JACKSON, BEE, VICTORIA  
AND FALLS COUNTIES—ROAD SYSTEM—  
AMENDMENT.

H. B. No. 196.]

CHAPTER XLIV.

An Act to amend Chapter 134 of the General Laws of the Twenty-fourth Legislature, as amended by the Twenty-sixth Legislature, entitled "An Act to create a more efficient road system for Hill, Grimes, Cooke, Hunt, Jackson, Bee and Victoria counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the public roads of said counties; and providing for officers' fees and rewards for the capture of escaped convicts; and to provide for the manner of training hedges along any public road; and to provide for the summoning of teams for road work, and for an allowance of time of road service for same; and fixing a penalty for the violation of this act, and repeal all laws in conflict with this act," by extending the provisions of this act to Falls county; and providing for the fees of county judge where convicts are worked upon the public roads, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 134, General Laws of the Twenty-fourth Legislature, as amended by the Twenty-sixth Legislature, be so amended as hereafter to read as follows:

That each member of the commissioners courts of Hill, Hunt, Jackson, Bee and Falls counties shall be ex-officio road commissioners of their res-

pective districts, and under the direction of the commissioners courts shall have charge of all teams, tools and machinery belonging to the county, and placed in their hands by said county; and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, and making or changing of roads, and the building of bridges. Each of said commissioners shall, before entering upon the duties of their office, in addition to their regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of their county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the commissioners court, and that they will account for all money or property belonging to the county that may come into their possession; provided, that with the consent of the commissioners court, any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner who shall be required to execute the same bond as is required of the commissioners in this section; and such deputy road commissioners shall be entitled to the same compensation that is allowed county commissioners for the same services; provided, that the county commissioners shall not be allowed any compensation as road commissioners when a deputy road commissioner has been appointed.

SEC. 2. The commissioners court of said counties shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining, and repairing the public roads in said counties as it may deem best, and from time to time said court may change its plan or system of working. Said commissioners courts shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said courts shall have the power to construct, grade, or otherwise improve any road or bridge by contract. In such cases said courts, or the county judges, may advertise, in such manner as said courts may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder who shall enter into bond, payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids. At the time of making such contract the court shall direct the county treasurer to pass the amount to the particular fund for that purpose, and the treasurer shall keep a separate account of such funds, and the same shall not be used for any other purpose and can only be paid out on the order of said court; and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners courts of said counties shall require all county convicts not otherwise employed to labor upon the public roads under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first and then on the costs for each day he may labor. Such commissioners courts may provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work, and may provide a reward not exceeding ten dollars to be paid out of the road and bridge fund for the recap-

ture and delivery of any escaped convict to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict and worked out or paid by him as a part of the costs. The commissioners court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful services and good behavior, in no case to exceed one-tenth of the whole time. Said courts may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts. The commissioners courts may at a regular term allow to the officers and witnesses such amount of their costs for the arrest and conviction of said convict as it may deem best; provided, that it shall not allow to any officer an amount greater than the following: county judge, \$3.00; county attorney, \$5.00, including commissions; county clerks and justices of the peace, including commissions, one dollar and seventy cents; sheriffs or constables, \$5.00, which amount shall be paid to the officers out of the road and bridge fund upon the order of said courts, when said fine and costs have been worked out as provided in this section, that this shall not be construed as to relieve any convict from the payment of all costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control over all road overseers in his district, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners courts, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner and shall fix the liability of the overseer, and the commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners courts. It shall be the duty of the road overseer when he has finished work on his roads to return to said commissioner all teams, tools and machinery received from him, and take up the receipt therefor.

SEC. 5. It shall be the duty of the county commissioner, when acting as road commissioner, to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 6. The commissioners may require each road overseer in his district to call out the hands in such number as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service as prescribed by the general law shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence any person deputized by him, shall have full control of all road hands within his district, and shall see that each hand when called out shall perform a good day's work: and if any hand when so called out shall fail or refuse to perform a good day's work, in the

manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation, not to exceed one dollar and fifty cents per day for the time so served.

SEC. 7. Any citizen of Hill, Hunt, Jackson, Bee and Falls counties liable to road duty who shall, on or before the first day of January of each year, pay to the county treasurer the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of January. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund, and shall keep a separate account for each road district from which it is received. The treasurer shall, on the third day of January, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 8. Every person liable to work on roads, by paying to his road overseer at any time before the day appointed to work on his road the sum of one dollar for each day that he is summoned to work and one dollar and fifty cents for each day he is summoned to furnish his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also exempt from any penalties for failure to work, or furnish such team for the time for which he had so paid.

SEC. 9. Each person summoned to work on the road shall take with him an axe, hoe, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tools as are desired and directed by the overseer to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for, and the commissioners court, under such regulations as they may prescribe, shall pay for all such breakage or damage to all such tools as may have resulted from public road work and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days' time for each day put in by a hand with his team, and one and one-half days' time for his team without such hand.

SEC. 10. If any person liable to work upon the public roads, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools, at the time and place designated by the person summoning him, or to pay to such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay to such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or having attended shall fail to perform good service, or any other duty required of him by law or the person under whom he may work, shall be deemed guilty of a misdemeanor, and on conviction thereof fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the commissioners courts in November of each year all road overseers shall make their reports under oath

upon forms to be furnished them by said courts, which report shall be examined by said court and all accounts for services or labor performed for overwork by such overseer during the past year and of moneys had and expended by him shall be audited and settled, and as soon thereafter as practicable said commissioners courts shall appoint and commission road overseers for the succeeding year. Any road overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the commissioners court or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for opening, widening, straightening or draining any road or part thereof, if the owner of such land and the county commissioners courts cannot agree upon the damage to be paid the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way and the same proceedings may be had and the same right shall exist to each party as would exist if the proceedings were by a railroad company except that the county shall in no case be required to give bond.

SEC. 13. Every owner of a farm or other lands upon which a hedge of any description grows on or near the public road shall be required to keep the same trimmed so that the same shall not obstruct said road, and such owner who shall fail or neglect to so trim such hedge shall be notified in writing by the road overseer of that district to trim such hedge as herein required; and in such case if such owner shall, after receiving such notice, fail or refuse to trim such hedge within a reasonable time he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty dollars per week from and after the time that he received such notice, such fine to be paid into the county treasury and to be placed to the credit of the road and bridge fund of said county. If any owner of any farm shall fail or refuse or refuse, after being notified as herein required, to trim his hedge as required by this act, then the overseer shall cause the same to be trimmed in accordance with the provisions of this act, to be paid for out of the road and bridge fund of the county.

SEC. 14. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners courts, shall be entitled to two dollars per day for the services actually performed; provided, said sum to be paid him shall not exceed ninety dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting the same shall sign an oath that the account is just, due and unpaid, and specifying the number of days actually performed by him and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner either for himself or for his deputy while he is performing the duties of county commissioner, nor shall he receive additional pay than that provided by this section for inspecting or riding over his roads or for other road service.

SEC. 15. This act shall be taken notice of by all courts in the same manner as the General Law of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to the counties of Hill, Hunt, Jackson, Bee and Falls.

SEC. 16. The fact that there is now no sufficient general road law in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate by two-thirds vote, yeas 21, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 2nd day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

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## MONTGOMERY COUNTY—ROAD SYSTEM.

S. B. No. 212.]

### CHAPTER XLV.

An Act to provide a more efficient public road system for the county of Montgomery.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That each member of the commissioners court of Montgomery county shall be ex-officio road commissioner of his respective district and, under the direction of the commissioners court, shall have charge of all teams, tools and machinery belonging to the county and placed in their hands, and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, and the making, changing and repair of roads, and the building and repair of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to their regular bond as such commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of the county, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the commissioners court, and that they will account for all property or money belonging to the county that may come into their possession; provided, that with the consent of the commissioners court, any one of said commissioners shall be allowed to appoint a competent person as deputy road commissioner, who shall be required to execute the same bond required of commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that

is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioners when a deputy commissioner has been appointed, except for work done by him as such road commissioner is case of urgent necessity.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty to adopt such system for working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working. Said commissioners shall have power to purchase such teams, tools and machinery for the working of its road. Said court shall have power to construct, grade or otherwise improve any road or bridge by contract. In such cases said court or county judge may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county, for the use and benefit of the road and bridge fund, with good, sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. At the time of making such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the same shall not be used for any other purpose, and it can only be paid out on the order of said court, and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents a day on his fine first and then on the costs for each day he may labor. Such commissioners court may provide such regulations and punishments as may be necessary to cause such convicts to perform good work, and may provide a reward not exceeding ten dollars, to be paid out of the road and bridge fund, for the capture and delivery of any escaped convicts, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict and worked out or paid by him as part of the cost. The commissioners court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful services and good behavior, in no case to exceed one-sixth of the whole time. The commissioners court may, at a regular term, make such provisions for prisoners' clothing, bedding, food, medicine and medical attention and guards for the safe keeping and humane treatment of convicts. Said court may allow to the officers and witnesses such amount of their costs for the arrest and conviction of such convict as it may deem best; provided, that it shall not allow to any officer an amount greater than the following: county judge, three dollars; county attorney, five dollars, including commissions; county clerks and justices of the peace, one dollar and seventy cents; sheriffs and constables, five dollars, which amount shall be paid to the officers out of the road and bridge fund, upon the order of said court, when such fine and costs shall have been worked out, as provided in this section; provided, that this

shall not be construed as to relieve any convict from payment of all costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control over all road overseers in his district; and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioners and shall fix the liability of the overseers; and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damage to the same while in his possession, caused by his negligence or want of due care of the same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners court. It shall be the duty of the road overseer, when he has finished work on his roads, to return to said commissioner all teams, tools and machinery received from him, and take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner when acting as road commissioner to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers in his district, and the provisions of this section shall extend to work done under contract, unless by special provisions in the contract the road commissioner is relieved of the duties herein required.

SEC. 6. The commissioner may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service, as prescribed by the General Laws of the State, shall be extended beyond that time; and provided, that all road hands in any district shall, as far as practical, be worked a uniform time. Each road overseer, or in his absence, any one deputized by him, shall have full control of all road hands within his road district, and shall see that each hand, when he is called out, performs a good day's work; if any hand when so called out shall fail or refuse to perform a good day's work or to work in the manner the overseer may direct, shall be liable to the same penalty as if he had failed to appear in obedience to the summon. The commissioners may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days in any one year a compensation not to exceed one dollar a day for the time so served; provided, that he shall make oath that the account is just and due.

SEC. 7. Any citizen of Montgomery county liable for road duty who shall before the February term of the commissioners court of each year pay to the county treasurer the sum of three dollars, shall be exempt from road duty for such year. The treasurer shall receive and receipt for all moneys so paid him, and shall place the same to the credit of the road and bridge fund, and shall keep a separate account for each district from which it is received. The treasurer shall, on the first day of the February term of the commissioners court, or as soon thereafter as practical,



furnish to each county commissioner a list of all persons in their respective districts that have paid the sum provided in this section.

SEC. 8. Every person liable to work on roads by paying to his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned and one dollar and fifty cents for each day he is summoned to furnish his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also exempt from any penalties for failure to work or furnish such team for the time for which he has so paid.

SEC. 9. Each person summoned to work on a road shall take with him an ax, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tool as is desired and directed by the overseer to take with him, he shall take such suitable tools as he may have; provided, the county shall be liable for, and the commissioners court, under such regulations as they may prescribe, shall pay for all breakage or damage to such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such road overseer may also summon and require such road hand to bring with him for public road work such team or teams he may have on hand suitable for road work; provided, that such hand shall be allowed two and one-half days' time for each day put in by a hand with his team, and one and one-half days' time for his team without such hand.

SEC. 10. If any person liable to work on the public roads, after being legally summoned, shall intentionally fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay such overseer one dollar per day for each day he may have been notified to work the road, or to pay said overseer the sum of one dollar and fifty cents for each day he may have been summoned to furnish himself and team for road work, or having attended shall fail to perform good service or any duty required of him by law or the person under whom he may work, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the commissioners court in February of each year all road overseers shall make their reports, under oath, upon forms furnished by said court, which said report shall be examined by said court, and all accounts for services or labor performed for over work by such overseer during the past year, and of moneys had and expended by him shall be audited and settled, and as soon thereafter as possible said commissioners court shall appoint and commission road overseers for the succeeding year; any road overseer intentionally failing to perform his duties as said road overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or the commissioners court or by the commissioner of his district, or his deputy, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall become necessary to occupy any land for the opening, straightening, widening or draining or repair of any road or part thereof, if the owner and commissioners court cannot agree upon

the price of such land or the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad can condemn land for right of way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. It shall be lawful for any delinquent poll taxpayer in Montgomery county to perform two days service upon the public roads in his road precinct in each and every year, in discharge of said delinquent poll tax, unless the poll tax now provided for by the General Laws of Texas shall be changed, in which case a proportionate time for service shall be held to discharge said delinquent for one year's poll taxes; provided further, that this act shall not be held to annul any laws upon the general statutes of Texas for the collection of delinquent poll taxes, but cumulative thereto in Montgomery county; and provided further, that such delinquent taxpayers shall perform such road service under the direction of the overseer, under the same regulations herein provided for parties subject to road service under the General Laws of the State; and it shall be the duty of the tax collector to furnish a list of all delinquent poll taxpayers of each district to the commissioner of said district before the first day of March of each year.

SEC. 14. The commissioners court shall be authorized to levy and collect a tax of not exceeding fifteen cents on the hundred dollars to be used exclusively for road and bridge purposes, and the same shall be disbursed by the said court as they may deem best; provided, said court shall set aside annually, out of said fund, a sum sufficient to pay interest and provide a sinking fund necessary to discharge all outstanding bridge bonds as they mature.

SEC. 15. Whenever a majority of the property taxpayers of Montgomery county, voting at an election for that purpose, shall favor, the commissioners court of said county shall be authorized to levy and collect a special tax of not exceeding fifteen cents on the one hundred dollars for road and bridge purposes, the same to be disbursed as hereinbefore provided.

SEC. 16. Whenever the cost of a piece of road improvement or the cost of a bridge shall exceed two hundred dollars, the commissioners court shall cause the same to be done by contract as hereinbefore provided.

SEC. 17. Every county commissioner shall as soon as practical, after the February term of the commissioners court, take a list of all hands in his district, and also the number of miles of road in his district to be worked; and the condition of such roads, and the approximate amount of work each and every road shall require to keep the same in, as far as possible, uniform condition, and apportion said hands so that no set of hands shall be required to do more work than their proportionate share of road work in said district.

SEC. 18. Every county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to two dollars per day for services actually performed; provided, said sum to be paid him shall not exceed thirty dollars per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the

commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, specifying the number of days actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner, either for himself or his deputy, while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his roads, or for any other road service.

SEC. 19. This act shall be taken notice of by all courts in the same manner as a general law of this State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to Montgomery county; and all local or special laws in conflict herewith are hereby repealed.

SEC. 20. The fact that there is now no sufficient general road law in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by two-thirds vote, yeas 103, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 2nd day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Became a law April 15, 1901.

## MATAGORDA COUNTY—ROAD SYSTEM.

H. B. No. 360.]

### CHAPTER XLVI.

An Act to create a more efficient road system for Matagorda county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, and providing for a penalty for the escape of county convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll taxpayers on the public roads, and relieving road hands from the performance of road work by the payment of the sum of three dollars; and providing for elections for issuance for bonds for bridge purposes; and providing further, making this law cumulative of the General Laws, and in case of a conflict this act to govern as to Matagorda county, Texas, and creating an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Matagorda county, Texas, shall be ex-officio road commissioners of their respective districts,

and under the direction of the commissioners court shall have charge of teams, tools and machinery belonging to the county and placed in their hands by the said court. And it shall be their duty under such rules and regulations as the commissioners court shall prescribe to superintend the laying out of new roads, the making or changing of roads, and the building of bridges.

Each of said commissioners shall before entering upon the duties of his office execute a bond of \$1000, with two or more good and sufficient sureties payable to the county judge of said county, for the use and benefit of the road and bridge fund of the county, conditioned that he will perform all the duties required of him by law or by the commissioners court and that he will properly account for all money or property belonging to the county that may come into his possession.

SEC. 2. The commissioners court of said county shall have full power and authority and it shall be their duty to adopt such system for working, laying out, draining and repairing the public roads in said county; as they may deem best, and from time to time said court may change its plans or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Such court shall have the power to construct, grade or otherwise improve any road or bridge by contract. In such case such court or the county judge may advertise in such manner as said court may determine for bids to do such work, and the contract shall be let to the lowest responsible bidder, who shall enter into bond payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties to be approved by said court, and in such amount as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids. At the time of making any such contract, the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said court, and the said court shall have the authority to employ any hands or teams to work on the roads under such regulations and for such prices as they may deem best.

SEC. 3. The commissioners court of said county may require all county convicts not otherwise employed to labor upon the public roads under such regulations as it may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and then on the costs, for each day he may labor, and for each Sunday while confined. The commissioners court shall at a regular term allow to the officers and witnesses one-half their costs for the arrest and conviction of said convict, provided he works out his entire fine and costs, which amount shall be paid to the officers out of the road and bridge fund on the warrant of the county judge. The commissioners court may provide the necessary houses, prisons, food, medicine, medical attention, and guards for the safe and humane keeping of said county convicts.

SEC. 4. The commissioners court shall lay off each commissioner's district into a convenient number of road precincts, numbering each and defining as accurately as possible the boundaries thereof.

SEC. 5. An overseer shall be appointed by said court for each road

precinct at the time of establishing the same, and at the first regular term of the court in each year the said court shall appoint an overseer for each road precinct in the county, who shall under the direction of the road commissioner of his district have charge of all the public roads and all the hands liable for work on the same that are situated or reside in his precinct. It shall be his duty to call out all hands liable to road work service and to cause all the roads in his respective precinct to be worked at least twice in each year and at such other times as may be necessary. He shall also work on the public roads of his precinct any county convicts that may be assigned to him under direction of the commissioners court or county judge, and shall have authority to call out any person liable to road duty to act as guard for said convict or convicts in his precinct.

SEC. 6. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all teams, tools and machinery that may be necessary in working the roads in the precinct of said overseer, so far as he has been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer for the liability of the commissioner, and shall fix the liability of the road overseer. And any commissioner or overseer shall be liable for any damage that may occur to same while in his possession, caused by his negligence or want of due care of the same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners court. It shall be the duty of the overseer, when he has finished work on his roads, to return to said commissioner all teams, tools and machinery received from him, and take up the receipt given therefor.

SEC. 7. It shall be the duty of the county commissioner when acting as road commissioner, to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 8. Each road overseer shall during each year call out all hands subject to road duty to work five days, and he shall see that each hand when called out shall perform a good day's work, and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner that the overseer shall direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. And any road overseer, when he deems it expedient, and at the time of notifying any hand to work upon the road, may also summon such hand as may be the owner of a team suitable for road work, to bring such team with him to be used in working upon the road during such time as the hand may be notified to work upon the road. And after such notice given if such hand shall fail or refuse to bring his team with him as notified to do, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons; provided, that any hand for so doing shall be credited with and allowed two and one-half days upon the time for which he is liable for road duty for each day he may work in connection with and while furnishing such team, and one and one-half days for his team without such hand.

SEC. 9. A "good day's work" under this act shall consist of eight hours labor for road hands, or for county convicts, and ten hours labor for hired hands.

SEC. 10. The commissioners court may allow to any overseer engaged in the discharge of the duties of his office for more than five days during any one year a compensation not to exceed more than one dollar and fifty cents per day for the time so served, when such extra work is ordered by the commissioner of the precinct. The term of service of the road overseer shall be from the time of service of the order of appointment until the first term of the commissioners court of the succeeding year.

SEC. 11. Any citizen of Matagorda county liable for road duty, who shall on or before the first day of February of any year pay to the county treasurer, or the commissioner of his precinct, the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of February.

The treasurer or commissioner to whom the money shall be so paid, shall receive the same and receipt for it, and it shall be placed to the credit of the road and bridge fund, to be expended in the resident precinct of such payor, and the treasurer shall keep a separate account for each road precinct from which said money is received, and the county treasurer shall at the regular term in February furnish to the court a list of all persons in their respective precincts who have paid said sum as provided in this section.

SEC. 12. Every person liable to work on the roads by paying to his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day he is summoned to work, and one dollar and fifty cents for each day he is summoned to furnish his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also exempt from any penalty for failure to work or furnish such team for the time which he had so paid.

SEC. 13. Each person summoned to work on a road shall take with him an axe, hoe, pick, gun, spade, plow, scraper or other tool as may be desired and directed by the overseer, or if he has no such tools as may be desired and directed by the overseer to take with him, he shall take such suitable tools as he may have; provided, the county shall be liable for, and the commissioners court under such regulations as they may prescribe shall pay for all such breakage or damage to all such tools, as may have resulted from public road work, and not caused by the negligence of the person furnishing the same.

SEC. 14. If any person, liable to work upon the public roads after being legally summoned, shall intentionally fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his teams or tools at the time and place designated by the person summoning him, or to pay such road overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or having attended, shall fail to perform good service, or any other duty required of him by law, or the person under whom he may work, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding ten dollars.

SEC. 15. At the first regular term of the commissioners court of each year all road overseers shall make their report under oath, upon forms to be furnished by the said court, which said report shall be examined by said court, and all accounts of moneys had and expended by him shall be audited and settled, and as soon thereafter as practicable said commissioners court shall appoint and commission road overseers for the succeeding year, and in the event of the removal, death, or refusal, failure, or inability to act on the part of any road overseer so appointed, or on account of any vacancy in such office, the commissioners court or commissioner of the precinct shall have authority to fill the vacancy, and report his action in writing to the county clerk, who shall record the same in the minutes of the commissioners court either in term time or vacation.

Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or to perform any other duty required by law, or the commissioners court, or by the commissioner of the district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 16. The county collector of Matagorda county, shall as soon after the first day of February of each year as practicable furnish to each road overseer a list of all delinquent poll taxpayers for the previous year in their respective road precincts, and the persons so appearing on said lists, and who are such delinquent poll taxpayers, shall be subject to road duty for the period of three days during the ensuing year, and they shall be summoned as in other cases to work the roads in the road district or precinct in which said person may reside, and the performance of the road service provided for in this section shall not exonerate the person from any other road duty to which the person performing the same may be subject, but this shall be taken as cumulative. The persons subject to do road duty under this section shall be subject to prosecution as provided in Section 14 of this act or other law of this State and subject to the same liabilities and punishments provided for in other cases for failing to appear and do good work when summoned to do so, as provided for in this act or other laws of this State, and all such laws shall apply to persons required to work roads under the provisions of this section, and when they are convicted they shall satisfy the fine and costs as in other misdemeanor convictions. But any person summoned to work on the road under the provisions of this section may satisfy such summons and be relieved from such duty by paying the amount of poll tax required by law, to be apportioned as the law directs, and exhibiting to the overseer, or person summoning him, on or before the day on which he is summoned to work, the receipt of the county collector for such poll tax.

SEC. 17. If any county convict shall escape from any person or persons having said county convict in charge for said county, said county convict so escaping shall be guilty of an offense, and upon conviction shall be fined not less than ten nor more than twenty-five dollars.

SEC. 18. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, grading, making embankments, filling or draining any road or part thereof, if the owner of such land and the county commissioners court cannot agree upon the damages

to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for a right-of-way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 19. It shall be unlawful for the commissioners court of Matagorda county to issue the bonds of said county for the purpose of building bridges, unless a proposition for the issuance of such bonds shall have been first submitted to a vote of the qualified voters, who are property taxpayers of said county, and unless a majority of the said qualified taxpayers, voting at said election, are in favor of the proposition for the issuance of bonds, then the said bonds shall not be issued. If the proposition for the issuance of bonds be sustained by a majority of the said property taxpayers, voting at said election, then the said bonds shall be authorized and shall be issued by the said commissioners court; provided, that this act shall not be construed to authorize and render valid bonds without being first submitted to the Attorney General, and certified to by him as now required by law.

SEC. 20. Whenever a petition signed by fifty or more qualified voters, who are property taxpayers in the county of Matagorda, shall be presented to the commissioners court of said county at any regular session thereof, asking that the question of a bond issue be submitted to a vote of the qualified taxpayers of the county, it shall not be necessary to give any formal notice before the court shall act on same, but the court shall act thereon without notice, and at such regular term shall make an order for such election to take place at any time thereafter, not less than thirty nor more than sixty days. Said order shall distinctly specify the purpose for which the bonds are to be issued, the amount thereof, the time in which they are payable and the rate of interest, and all voters desiring to support the proposition to issue bonds, shall have written or printed upon their ballots the words "For Issuance of Bonds," and those opposed shall have written or printed upon their ballots the words "Against the Issuance of Bonds."

SEC. 21. The commissioners court shall determine the time and places of holding said election, and the manner of holding the same shall be governed by the laws of the State regulating general elections.

SEC. 22. This act shall not apply to funding bonds issued or to be issued in lieu of any valid outstanding bonds of Matagorda county, nor to any issue of bonds when for a sum less than two thousand dollars when issued for the purpose of repairing bridges.

SEC. 23. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law, or by the commissioners court, shall be entitled to two dollars per day for the services actually performed; provided, said sum to be paid him shall not exceed twenty dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days of work and date of same actually performed by him, and that it was necessary to be done, and no commissioner shall be entitled to pay as road commissioner while he is performing duties as county commissioner.



SEC. 24. The county collector, for furnishing a list of the delinquent poll taxpayers to the overseers, and the county treasurer, for his services in Section 11, shall be exempt from the road service for each year that such list is furnished or service performed as a compensation for such work.

SEC. 25. This act shall be taken notice of by all courts in the same manner as the General Laws of this State and it shall be construed to be cumulative of the General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict, this act shall control as to the county of Matagorda.

SEC. 26. It shall be the duty of the district judge of this judicial district to charge the grand jury of the district court of Matagorda county to diligently inquire into and faithfully report all delinquencies of duty by the officers under this act, and to indict all such delinquents in the ordinary way as other officers are indicted for negligence in efficiency or malfeasance in office.

SEC. 27. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 99, nays 0; and passed the Senate by two-thirds vote, yeas 21, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 2nd day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Became a law April 13, 1901.

## RUSK COUNTY—BRAZOS COUNTY—ROAD SYSTEM.

H. B. No. 497.]

### CHAPTER XLVII.

An Act to create a more efficient road system for Rusk and Brazos counties, and further defining the duties of county commissioners, and providing for the appointment of road superintendents, and defining their powers and duties; providing for the working of county convicts and delinquent poll taxpayers on the public roads of said counties; providing for the rewards and penalties for escaped convicts, and providing for the relieving of delinquent poll taxpayers from road duty by the payment of three dollars; providing for the appointment, the duties and powers of road overseers; prescribing penalties for road overseers and road hands when they fail to comply with the requirements of the law as herein defined; providing for the summoning of teams and tools with hands, and for penalties upon failure to comply; providing for the adoption of a system of road working by the commissioners court of said counties; providing for the relieving of road hands from road service upon the payment of four dollars; providing for the making this law cumulative of the General Laws of the State, and in case of conflict this act to govern as to Rusk and Brazos counties, and to repeal all laws in conflict with this act, and providing an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:*

The county commissioners courts of Rusk and Brazos counties may at any regular or called term of said courts appoint any number of road superintendents for Rusk and Brazos counties, not exceeding one for each commissioners district, who shall serve as such superintendents for one year, unless removed by said court for good cause; and in case of vacancy from any cause said court may appoint a successor who shall hold office for the unexpired term; said superintendent to be under the management and control of the commissioners court of said county. Said superintendents shall have charge of all wagons, teams, tools and machinery belonging to the county and placed in their hands by said commissioners court, and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the working of all roads and the laying out of new roads, the changing of roads and the building and repairing of bridges and culverts. Each of said superintendents shall before entering upon the duties of his office execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county treasurer of said county, and to be approved by the commissioners court for the use and benefit of the road and bridge fund of said county, conditioned that he will perform all the duties required of him by law or by the rules of the commissioners court, prescribed for his directions, and that he will account for all moneys or other property belonging to the county that may come into his possession.

SEC. 2. Each road superintendent shall receive such salary as may be fixed by the commissioners court to be paid on the order of said court at stated intervals. The salary of superintendents shall never exceed six hundred dollars per year.

The commissioners court shall have authority to suspend the work of any number or all of the road superintendents at any time they may deem it for the best interest of the county, or when the money set apart to the road and bridge fund has been exhausted, and in such case the salary of the superintendents suspended shall cease and their appointment expire, and the county shall not be responsible to any superintendent for his salary after the date of such suspension by order of the commissioners court.

SEC. 3. The commissioners court of said county shall have full power and authority, and it shall be its duty to adopt such system for working, laying out and draining and repairing of the public roads and the building and repairing of bridges and culverts of said county as it may deem best, and the road superintendents shall follow the directions of said court in working the road and the building of bridges and culverts, and from time to time said court may change its plan or system of working the roads or building and repairing of bridges.

Said commissioners court shall have full power, and it shall be its duty, to purchase or hire such teams, tools and machinery as may be necessary for the working of its roads, and materials for the building and repairing of bridges and culverts; the said court shall also have power to construct, grade or otherwise improve any road or bridge by contract. In such case said court or county judge of said county may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, if required by said commissioners

court so to do, payable to the county treasurer and his successors in office of said county for the use of the road and bridge fund, with good and sufficient sureties, to be approved by the county judge, and in such sum as said county judge or commissioners court may determine, for the faithful compliance with said contract, but said court shall have the right to reject any and all bids; and the said court shall have authority to prescribe the rules by which the road superintendents may employ any hands or teams to work on the roads or bridges, under such regulations and for such price as they may deem best.

SEC. 4. The commissioners court shall require all county convicts not otherwise employed, to labor on the public roads under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first and then on the costs for each day he may labor.

The commissioners courts shall, at each term, allow the officers and witnesses such amount of their costs as have been satisfied in full by labor of such convicts, for the arrest and conviction of such convicts as it may deem best, not to exceed one-half of such costs, which amount shall be paid to the officers and witnesses out of the road and bridge fund on the warrant of the county judge; provided, that this shall not be so construed as to relieve any convict from the payment of all costs for which he may be liable under the laws of this State. The commissioners court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior; provided, that such commutation shall in no case exceed one-tenth of the whole time.

The commissioners court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and superintendents and guards for the safe and humane keeping of the convicts. The commissioners court shall provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work, and to provide a reward, not to exceed ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against the convict, with all other actual costs for the recapture and returning of said convict, and worked out by him as part of the costs. A county convict in the meaning of this section is any person who has been convicted of a misdemeanor in any court of Rusk and Brazos counties, and his punishment assessed at a fine or a fine and imprisonment in the county jail, and who is unable to pay said fine and costs.

SEC. 5. The commissioners court shall require all delinquent poll taxpayers of said counties to work on the public roads. They shall obtain from the tax collector of said counties on the first of April of each year, or as soon thereafter as practicable, a sworn statement, giving a full and complete list by precincts of all the delinquent poll taxpayers of said counties for the previous year, and the persons so appearing on said lists, and who are delinquent poll taxpayers, shall be subject to road duty for a period of three days during such year, and the performance of the road service provided for in this section shall not exonerate the person from any other road duty to which the person performing the

same may be subject, but this shall be taken as cumulative, and all persons so appearing on said list, who are delinquent poll taxpayers, and reside in any incorporated town in the county, shall also be subject to road duty for a period of three days during such year, and they shall be subject to all the laws, rules and regulations as herein provided as if they resided in the country. Said delinquent poll tax list, when received by the commissioners court, shall be turned over to the road superintendents or road overseers, and said road superintendents or road overseer shall issue his summon by subpoena, which shall be served by the sheriff, his deputy or any constable or any road overseer of said counties. Such subpoena shall state the time and place where such delinquent poll taxpayer is to meet the road superintendent or road overseer to discharge the three days work as required in this section. Said delinquent poll taxpayer shall have three full days notice of the time and place for his appearance. Such subpoena when served shall be returned by the person serving same, with the date of service, to the person issuing the same on or before the day stated for the appearance of such delinquent poll taxpayers. It shall be the duty of the road superintendent or overseer when any defaulting poll taxpayer shall have discharged and paid the same as herein provided, to report the same back to the tax collector, who shall credit the party on the tax roll for the amount paid; and said overseer shall also report the same in his regular report to the commissioners court.

If any person who is required to do road duty under this section shall fail or refuse to appear when duly summoned so to do, or having appeared refuse to do a reasonable day's work, or refuse to perform any reasonable duty required of him by the road superintendent or road overseer, shall be deemed guilty of a misdemeanor and subject to prosecution for failing to so appear or work, and subject to same liabilities and punishment provided by the General Laws of this State for other cases for failing to appear and do good work when summoned so to do; and when they are convicted for so failing to appear or failing to do a reasonable day's work, or any reasonable duty required of him by the superintendent or road overseer, he shall be required to satisfy the fine and costs as in other convictions of misdemeanor.

But any person summoned to work on the road under the provisions of this section may satisfy said summons and be relieved from said duty by paying to the road overseer or superintendent the sum of three dollars, all of which shall go to the road and bridge fund. This section shall apply as well to the delinquent poll taxpayers in incorporated cities and towns as to those outside of said cities and towns.

SEC. 6. The commissioners courts of Rusk and Brazos counties shall apportion all road hands and appoint all road overseers as now directed by the statutes of the State of Texas; and all road hands and road overseers of Rusk and Brazos counties shall be under the control of the road superintendent, under such rules and regulations as may be prescribed by the commissioners courts, and the commissioner of each precinct shall have control co-extensive over the road overseer and road hands as herein given the road superintendent. No road overseer in Rusk and Brazos counties shall have the right or authority to call out the road hands at any time to work the roads in his precinct, unless so directed or authorized by the road superintendent or county commissioner of his precinct;

and when so directed by the road superintendent or county commissioner, the road overseer shall summon and call out the road hands on his road section in such numbers as may be directed by the road superintendent or county commissioner, and all hands called out by the direction of the road superintendent shall report to him at the time and place designated by the road overseer or other person summoning them, and shall be controlled, managed and worked by the road superintendent. But no road hand shall be required to work exceeding five days in any one year unless the term of service as prescribed by the General Laws shall extend beyond that time, in which event all hands may be required to work the number of days as prescribed by the General Laws; and provided, that all road hands in any particular district shall, as far as practical, be worked a uniform time. The road superintendent shall see that each hand when called out shall perform a good day's work, and if any hand when so called out shall fail or refuse to do a good day's work, or refuse to work in the manner the road superintendent may direct, shall be liable to the same penalty as if he had failed to appear in obedience to the summons as now provided by the General Laws of the State of Texas. A good day's work is meant by this section to be eight hours of actual service working on the road.

SEC. 7. In case the road superintendent, from any cause, shall not be able to work all the hands in his precinct the full five days in each year, he, or the county commissioner, shall have the right and authority to notify the road overseers of that fact in his precinct, and require said overseers to call out all their hands who have not worked out their full time under the road superintendent, and require said overseer to work his section of the road the remainder of the five days, which may include the entire five days. Said road overseer shall work, grade and repair the roads, bridges and culverts according to the plans and system adopted by the commissioners court for the working of roads and the repairing of bridges and culverts. Any overseer who shall fail or refuse to call out the hands on his section of road when directed either by the road superintendent or county commissioner, or refuse to work or repair the roads, bridges and culverts according to the rules and systems adopted by the commissioners court, or fail or refuse to work the road when directed by the road superintendent or county commissioner, or fail or refuse to see that each road hand working under him does a good day's work of eight hours service, or fail or refuse to report any road hand who fails to appear when lawfully summoned, or who fails or refuses to do a good day's work as herein defined, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding ten dollars.

Each road overseer, when required to summon or call out the hands in his road precinct by the road superintendent, shall be entitled to one day's service for each day he may be required to summons the hands and for each day he may be required to work the road hands under the direction of the road superintendent or county commissioner; provided, he shall not be required to work more than five days in any one year without extra compensation for each day so worked over the five days, which compensation shall be one dollar for each day so worked over the five days, to be paid by order of the commissioners court.

SEC. 8. Each road superintendent shall have control of all over-

seers in his precinct, and shall deliver to each of them such teams, tools and machinery necessary in working the roads in the precinct of said overseer, so far as he has been supplied therewith by the commissioners court, taking a receipt therefor, specifying each item and giving its value, which receipt shall be a full answer for the liability of the road superintendent, and shall fix the liability of the road overseer; and the road superintendent or road overseer who shall have been intrusted with any teams, tools, or other machinery belonging to the county shall be liable for all damages that may occur to the same while in his possession, caused by his negligence or want of due care of same.

It shall be the duty of the road overseer, when he has finished work on his road, to return to said road superintendent all teams, tools and machinery received from him and take up the receipt given therefor.

SEC. 9. It shall be the duty of the road superintendent to inform himself of the condition of the public roads in his precinct, and from the system of working roads adopted by the commissioners court shall determine what character of work shall be done on said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be followed and obeyed by him and all road overseers of his precinct.

SEC. 10. The road superintendent, under the direction of the commissioners court, may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work under his direction.

Each road superintendent shall have full control of all road hands in his precinct, and shall see that each hand, when called out, shall perform a good day's work; and if any hand, when so called out, shall fail or refuse to do a good day's work, or to work in the manner his superintendent, county commissioner or road overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons, as now provided by the General Laws of the State of Texas. And the road overseer may, when so directed to do by the road superintendent or the commissioners of his precinct or county, and at the time of notifying any hand to work upon the road, also summons such hand as may be the owner of a team suitable for road work, to bring such team with him to be used in working upon the public roads during such time as the hand may be notified to work upon the public roads, and after such notice given, if such hand shall fail or refuse to bring his team with him as notified to do, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons; provided, that any hand for so doing shall be credited with and allowed two and one-half days' time for which he is liable for road duty for each day he may work with his double team in connection with and while furnishing such team, and one and one-half days for his team without such hand and two days for himself and single team.

SEC. 11. A person liable for road duty in Rusk and Brazos counties who shall, on or before the first day of February of any year, pay to the county treasurer the sum of four dollars, shall be exempt from road duty for such year, beginning on the first day of February. The county treasurer or road superintendent shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund, and he shall keep a separate account for each precinct and road section

from which it is received. The county treasurer shall, on the first day of February, or as soon thereafter as practicable, furnish to each road superintendent a list of all persons in their respective precincts that have paid said sums, as provided in this section.

SEC. 12. When to the commissioners court it may appear expedient to change, build, repair or maintain any public road in their county, the land, timber, earth, stone, gravel or other necessary material most convenient therefor may be used, but in such case the owner thereof shall be paid out of the road and bridge fund of such county a fair compensation for the same as may be agreed upon by the owner thereof or his agent and the commissioners court; provided, however, that should said owner or his agent and said commissioners court fail to agree upon the compensation to be paid therefor then the county, upon the order of said court, shall proceed to condemn the same in the same manner that a railroad company can condemn lands for right of way, and the same proceedings shall be had as would exist if the proceedings were by a railroad company, except as hereinafter provided.

SEC. 13. The county shall not be required, in proceedings to determine the compensation to be paid for the roadbed, material to build, repair or maintain public roads, in any case to give bonds for costs, and the commissioners appointed to condemn such property necessary as aforesaid shall receive for their services two dollars for each and every day that they may be necessarily engaged in the performance of their duties as such commissioners, to be paid out of the road and bridge fund on the order of the commissioners court, and the compensation awarded by said commissioners for the necessary material shall be paid to the owner or deposited with the county treasurer to the credit of such owner, and when so paid or deposited the county shall have the right to enter upon and use said roadbed or material. If the owner of such material or said county is not satisfied with the compensation awarded, said owner, or said county, may appeal therefrom as in cases of appeal in proceedings by railroad companies to condemn right of way.

SEC. 14. If any person liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him or to pay to such road overseer the sum of one dollar for each day he may have been notified to work on the public roads, or to pay to such overseer the sum of one dollar for each day he may have been notified to furnish his double team, and fifty cents for each day he may have been notified to furnish his single team for road work, or having attended, shall fail or refuse to perform good service, or any other duty required of him by law, or the person under whom he may work, or if any one shall fail to comply with any duty required of him as provided by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined in any sum not exceeding twenty-five dollars.

SEC. 15. The road superintendent shall have the control, management and working of all county convicts and delinquent poll taxpayers, as well as the road hands as hereinbefore defined, and shall work them on the public roads of Rusk and Brazos counties under such rules and regulations as the commissioners courts may adopt and direct, and in case any delinquent poll taxpayer and road hand, when summoned to work

the roads, fail to appear or do a reasonable day's work or any reasonable duty required of him, as provided in Sections 5 and 6 herein, it shall be the duty of the road superintendent to so notify the county attorney of said county and file complaint against said delinquent poll taxpayer or road hand as now provided under the General Laws of the State of Texas. Said road superintendent shall be responsible on his bond for the loss, injury, damage or destruction of any teams, tools, wagons or machinery placed in his charge by the commissioners court, unless such loss or damage occurred without his fault and negligence, and in case of his removal, resignation or suspension of work by the commissioners court he shall deliver to the county judge or commissioners court all teams, tools and machinery in good condition placed in his possession and take a receipt for same, which shall exonerate him from further liability. The said road superintendent shall keep a record of the daily labor of all county convicts, delinquent poll taxpayers and road hands separately under his charge and worked by him on the roads and bridges, and shall keep an itemized account of all receipts and disbursements made by him, and shall make such monthly report to the county judge and commissioners court as they may require of him; giving a detailed account of all work, and by whom done and the full amount expended during the month.

SEC. 16. The county commissioner shall see that the road superintendents and road overseers work the roads and build and repair bridges according to the system and plans adopted by the court, and in order to fully carry out this provision each county commissioner shall be allowed two dollars per day for each day he is supervising said work, not to exceed three days in each month.

SEC. 17. The provisions of the foregoing act shall be held and construed to be cumulative of all general laws of this State on the subject of roads, when not in conflict therewith, but in case of such conflict this act to control as to Rusk and Brazos counties.

SEC. 18. The great necessity for this law, there being no law existing upon this subject that is sufficient to enable the people of Rusk and Brazos counties to improve and construct the road and bridges as they should be, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days in each house be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 105, nays 0; and passed the Senate by two-thirds vote, yeas 24, nays 0.]

Approved April 2, 1901.

Became a law April 2, 1901.



## RAINS COUNTY—AMENDMENT TO ROAD LAW.

H. B. No. 229.]

## CHAPTER XLVIII.

An Act to amend Chapter 35, of the General Laws of the Twenty-fifth Legislature, said chapter being entitled "An Act to create a more efficient road system for Rains county, Texas; making provision for the appointment by the commissioners court of said county of a road commissioner for said county; prescribing his duties and compensation; providing for the appointment of road overseers; defining their duties and liabilities; providing for the working of county convicts and delinquent poll taxpayers upon the public roads of said county, and regulating the same; providing for officers' fees and rewards in convicting convicts and recapturing convicts; for the summoning of teams and tools for road work, and compensation for same; and providing penalties for violation of this act; and to repeal all laws in conflict with this act"; and providing for county commissioners to act as road commissioners, by changing Section 18 to Section 19, and adding between Sections 17 and 19 Section 18, and by amending Section 11.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 11, Chapter 35, General Laws of the State of Texas, passed at the Regular Session of the 25th Legislature, be amended so as to hereafter read as follows:

Section 11. At the regular term of the commissioners court in February, A. D. 1902, and at the same time in each year thereafter, all road overseers shall make their reports under oath, upon forms to be furnished them by said court, which said report shall be examined by said court, and all accounts for services or labor performed for overwork by him shall be audited and settled; and as soon thereafter as practicable said commissioners court shall appoint and commission road overseers for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing and refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the commissioners court, or by the road commissioner, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than the sum of twenty-five dollars nor more than one hundred dollars; provided, it shall be *prima facie* evidence of his failure to perform his duty, if his road or roads be found in bad condition, and that he has not worked all the hands liable to road duty in his road precinct for the time for which they are liable in that year; and provided further, that it shall be the duty of each overseer to report to the commissioners court the state of his account with his hands; and provided further, that it shall be lawful for any overseer to deputize some one of his hands who is fitted for the place to perform his duties, whose acts shall have the same force and effect as if performed by the overseer himself; but the overseer shall be responsible for the negligence of his said deputy the same as if he himself were guilty of such negligence.

SEC. 2. And that Section 18 be changed to Section 19, and that Section 18 be added between Sections 17 and 19, to read as follows:

Section 18. When, under the provisions of Section 3 of this act, any convict has worked out on the public roads the full amount of his fine and costs, the officers entitled to such costs shall receive only fifty cents on each dollar of said costs, and when such convict has worked only a

portion of such costs, such officers shall receive only fifty cents on each dollar of the pro rata of costs due such officers.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 1st day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk and Acting Secretary of State.]

Takes effect 90 days after adjournment.

## FAYETTE, UVALDE AND FRIO COUNTIES—ROAD SYSTEM.

H. B. No. 240.]

### CHAPTER XLIX.

An Act to create a more efficient road system for Fayette, Uvalde and Frio counties, Texas, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said counties, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public road of the county; providing for a special road and bridge tax to be levied for Fayette, Uvalde and Frio counties; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Fayette, Uvalde and Frio counties, Texas, and to repeal special road law, Chapter 54, Acts 1891, Twenty-second Legislature, as to Fayette and Frio counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners courts of Fayette, Uvalde and Frio counties shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court shall have charge of all teams, tools, machinery and appliances belonging to the county and placed in their hands by the said court; and it shall be their duty, under such rules and regulations as the commissioners courts shall prescribe, to superintend the laying out of new roads, or changing of established roads, and the building or repairing of bridges, the working, laying out, draining, building and repairing of public roads, the control over all road overseers and such other matters pertaining to public roads and bridges in their respective precincts as the commissioners courts may require.

SEC. 2. Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or

more good and sufficient sureties, payable to the county judge of said county and his successors in office, for the use and benefit of the road and bridge fund, conditioned that he will perform all duties required of him by law, or by the commissioners courts, and that he will properly account for all money or property belonging to the county and that may come into his possession.

SEC. 3. It shall be the duty of the road commissioner to inform himself of the condition of the public roads and bridges in his precinct, and he shall determine what character of work shall be done upon said roads or bridges, and shall direct the manner of grading, draining or otherwise improving the roads, or repairing bridges, which directions shall be observed and obeyed by all road overseers and employes of his precinct.

SEC. 4. Each road commissioner shall have control over all road overseers in his precinct, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the said overseer's road district, so far as he has been supplied therewith by the commissioners courts, taking the receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer for the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any team, tool or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession, caused by his negligence or misconduct.

SEC. 5. Each road commissioner shall take charge of all teams, machinery, tools and implements placed under his control by the commissioners courts, and execute his receipt therefor, which shall be filed with the county clerk, and he shall be responsible for the safe keeping of all such teams, machinery, tools and implements, and the proper expenditure and paying out of any money belonging to the road or bridge fund that may come into his hands by donations, or so far as he has been supplied therewith by the commissioners courts, and upon the expiration of his term of office, or in case of his resignation or removal, he shall deliver all such property and money to his successor, or such other person as the commissioners court may direct.

SEC. 6. Each road commissioner shall see that all roads and bridges in his precinct are kept in good repair and he may, under the direction of the commissioners courts, inaugurate and carry out a system of working, grading and draining the public roads in his precinct. He shall have the general supervision over all county convicts worked on roads in his precinct, but this shall not prevent the commissioners court from employing some other person to watch and manage such convicts and direct the work done by them.

SEC. 7. Each road commissioner may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work, and require overseers to work all the road hands in their particular district for the term of five days in each year, and shall see to it that overseers measure their roads, set up mile posts, place proper index boards, and replace mile posts and index boards as required by law.

SEC. 8. Each road commissioner shall keep an accurate account of all moneys received by him on account of the road fund or bridge fund

portion of such costs, such officers shall receive only fifty cents on each dollar of the pro rata of costs due such officers.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 1st day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk and Acting Secretary of State.]

Takes effect 90 days after adjournment.

## FAYETTE, UVALDE AND FRIO COUNTIES—ROAD SYSTEM.

H. B. No. 240.]

### CHAPTER XLIX.

An Act to create a more efficient road system for Fayette, Uvalde and Frio counties, Texas, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said counties, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of three dollars; providing for the ages of male persons liable to serve as overseers and to work on the public road of the county; providing for a special road and bridge tax to be levied for Fayette, Uvalde and Frio counties; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Fayette, Uvalde and Frio counties, Texas, and to repeal special road law, Chapter 54, Acts 1891, Twenty-second Legislature, as to Fayette and Frio counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners courts of Fayette, Uvalde and Frio counties shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court shall have charge of all teams, tools, machinery and appliances belonging to the county and placed in their hands by the said court; and it shall be their duty, under such rules and regulations as the commissioners courts shall prescribe, to superintend the laying out of new roads, or changing of established roads, and the building or repairing of bridges, the working, laying out, draining, building and repairing of public roads, the control over all road overseers and such other matters pertaining to public roads and bridges in their respective precincts as the commissioners courts may require.

SEC. 2. Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or

more good and sufficient sureties, payable to the county judge of said county and his successors in office, for the use and benefit of the road and bridge fund, conditioned that he will perform all duties required of him by law, or by the commissioners courts, and that he will properly account for all money or property belonging to the county and that may come into his possession.

SEC. 3. It shall be the duty of the road commissioner to inform himself of the condition of the public roads and bridges in his precinct, and he shall determine what character of work shall be done upon said roads or bridges, and shall direct the manner of grading, draining or otherwise improving the roads, or repairing bridges, which directions shall be observed and obeyed by all road overseers and employes of his precinct.

SEC. 4. Each road commissioner shall have control over all road overseers in his precinct, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the said overseer's road district, so far as he has been supplied therewith by the commissioners courts, taking the receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer for the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any team, tool or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession, caused by his negligence or misconduct.

SEC. 5. Each road commissioner shall take charge of all teams, machinery, tools and implements placed under his control by the commissioners courts, and execute his receipt therefor, which shall be filed with the county clerk, and he shall be responsible for the safe keeping of all such teams, machinery, tools and implements, and the proper expenditure and paying out of any money belonging to the road or bridge fund that may come into his hands by donations, or so far as he has been supplied therewith by the commissioners courts, and upon the expiration of his term of office, or in case of his resignation or removal, he shall deliver all such property and money to his successor, or such other person as the commissioners court may direct.

SEC. 6. Each road commissioner shall see that all roads and bridges in his precinct are kept in good repair and he may, under the direction of the commissioners courts, inaugurate and carry out a system of working, grading and draining the public roads in his precinct. He shall have the general supervision over all county convicts worked on roads in his precinct, but this shall not prevent the commissioners court from employing some other person to watch and manage such convicts and direct the work done by them.

SEC. 7. Each road commissioner may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work, and require overseers to work all the road hands in their particular district for the term of five days in each year, and shall see to it that overseers measure their roads, set up mile posts, place proper index boards, and replace mile posts and index boards as required by law.

SEC. 8. Each road commissioner shall keep an accurate account of all moneys received by him on account of the road fund or bridge fund

and shall make a report under oath to the commissioners courts at each regular term thereof, showing an itemized account of all money belonging to the road or bridge fund he has received, from whom or what source received, and what disposition he has made of the same; the condition of all roads, bridges and culverts in his precinct; what, if any, new roads, and kind, should be opened or discontinued; and what, if any, bridges, culverts or other improvements are necessary to place the roads in his precinct in good condition, and the probable cost of such improvement; the name of every overseer who has failed to work the road or in any way neglected to perform his duty, and such other matter as the court may desire information upon; and shall make such other report at such times as such court may require.

SEC. 9. Each road commissioner shall obtain from the tax collector of his county, after the first day of February and before the first day of March, of each year, a full list of the delinquent poll taxpayers of his precinct for the previous year, and the persons in said list as delinquent poll taxpayers, shall be subject to road duty for the period of three days during such year, and shall be summoned as in other cases, to work the roads in the road district or precinct in which such person may reside; and the performance of the road service provided for in this article shall not exonerate the person from any other road duty to which the person performing the same may be subject, but this shall be taken as cumulative; and all persons so appearing on said list, who are delinquent poll taxpayers, and residing in incorporated cities or towns in the county, shall also be subject to road duty for the period of three days during such year, and they shall be apportioned among the overseers in charge of roads leading out of such city or town in which they reside, as the road commissioner may deem best, to be summoned by such overseers as in other cases, to work the roads in the road precinct to which they are assigned.

It shall be the duty of the road overseer, whenever any defaulting poll taxpayer shall have discharged the poll tax by labor, to report the same to the road commissioner, who in turn reports the same to the commissioners courts, to be credited to the party on the delinquent tax rolls returned by the tax collector to the court for the amount thus satisfied; said overseer shall also report the same in his regular report to the commissioners courts.

But any person delinquent for poll taxes, summoned on the road under the provisions of this article, may satisfy said summons and be relieved from said duty by paying to the road commissioner the sum of three dollars, all of which shall go to the road fund to the credit of the commissioners precinct in which such person resides; and said road commissioner shall keep strict and accurate account of all money received, report the same to the commissioners courts, and pay over the same promptly to the county treasurer, who shall credit same to the special road fund, to be kept by him for such precinct.

If any person, liable under the law to work upon the public roads, shall wilfully fail or refuse to attend, either in person or by substitute, at the time and place designated by the road overseer of his district or precinct, after being legally summoned, or shall fail, on or before the day for which he is summoned to attend, to pay such overseer the sum of one dollar per day for each day he may have been notified to work on the

road, or having attended, shall fail to perform any duty required of him by law and such overseer, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding ten dollars.

SEC. 10. Each road commissioner shall be entitled to two dollars per day for service actually performed, not to exceed seventy-five dollars in any one quarter, said per diem to be paid out of the road fund, when the account shall have been approved by the commissioners court; and the court shall not approve said account unless the commissioner presenting it shall sign an affidavit to same, that the account is just, due and unpaid, and that the work was actually performed by him, and that it was necessary to be done; and said account shall specify the number of days work by him, and the dates thereof, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner and receiving pay therefor.

#### COMMISSIONERS COURT.

SEC. 11. The commissioners courts of Fayette, Uvalde and Frio counties shall have full power and authority, and it shall be their duty to adopt such system for working, laying out and draining and repairing the public roads in said counties as they may deem best, and from time to time said counties may change their plan and system for working the same. The commissioners courts of said counties shall have power to purchase such teams, tools and machinery as may be necessary for the working of their roads, or to hire all necessary road machinery, tools, implements, teams and labor or either, to grade, drain, build or repair the roads of such counties, and to make all reasonable and necessary rules, orders and regulations not in conflict with law for laying out, working and otherwise improving the public roads, and to utilize the labor and the money expended thereon and to enforce the same. But no change in any road shall be made that lengthens the same, unless same be made to place the road on better ground.

SEC. 12. The commissioners courts of said counties may make contracts for all supplies and materials to be used in feeding the hands and teams employed on the public roads and in the work of the same, and may provide the necessary tents for the same.

SEC. 13. The commissioners court or road commissioners may accept donations of money, lands, labor and men, teams, tools, implements or machinery or any other kind of property or material to aid in building roads or bridges in the county or precinct, and the court may authorize any person to make a drain along any public road for the purpose of draining his land, and require the person draining his land to do such work under the direction of the road commissioner of the precinct.

SEC. 14. The commissioners courts shall see that the road and bridge funds of their respective counties is judiciously and equitably expended on the roads and bridges of the counties, and, as nearly as the conditions and necessity of the roads will permit, it shall be expended in each justice's precinct in proportion to the amount collected in such precinct: and in expending money in building permanent roads the money shall first be used only on first or second class roads.

SEC. 15. The commissioners courts of said counties shall have power and authority to build or construct, or cause to be built or constructed,

in their respective counties, lasting or permanent county roads and bridges of some permanent or durable material, to be selected and agreed upon by said commissioners courts, and may also construct drains and ditches to carry off the water from such road or roads and from lands adjacent thereto, whenever same can be done, and may take and condemn any land or lands necessary for the purpose of constructing roads or drains, and it may authorize the road commissioners, overseers or contractor to enter upon and take from any land adjacent to any public road, earth, gravel, stone or other material necessary for the construction, repair, grading or improvement of such roads or drains under its general powers of eminent domain.

SEC. 16. Whenever the said courts shall deem it necessary or expedient to build or construct permanent roads and bridges or either, they may order such roads and bridges to be surveyed and laid out and proper profiles and estimates thereof made by a competent civil engineer, the county surveyor, or other competent person, to be employed by the county for that purpose, and constructed under the supervision of the road commissioner and a civil engineer or county surveyor or other competent person.

SEC. 17. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, grading, making embankments, filling or draining any road or part thereof, if the owner of such land and the commissioners court cannot agree upon the damages to be paid, the county may proceed to condemn the same in the same manner that a railroad company, under the law now existing or hereafter passed, may condemn land for right of way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the General Law relating to the opening of public roads by jury of view; this section shall be held to be cumulative thereof, and the commissioners courts of Fayette, Uvalde and Frio counties may act under such General Law or the provisions of this section at their option in such case.

SEC. 18. The commissioners courts of said counties may require all county convicts, not otherwise employed, to labor upon the public roads of such counties, under such regulations as they may prescribe for the working of such convicts within the limits of said counties, and each convict so worked shall receive a credit of fifty cents on his fine and costs for each day he may labor. Such courts may provide such reasonable regulations and punishments as may be necessary to require such convict to labor; but no convict shall be required to labor on Sunday. Said courts may provide such reasonable remedies necessary to prevent a convict from escaping, and may provide necessary houses, prisons, provisions, clothing, bedding, food, medicine and medical attention for the convicts, and guards for the safe keeping of the convicts; and may provide a reward, not to exceed ten dollars, to be paid out of the road fund, for the recapture and delivery of any escaped convict, to be paid to any person, other than the guard or person in charge of such convict at the time of his escape, which reward shall be added to said convict's fine and costs, and he shall be required to work out the same.

Said courts shall, at a regular term, allow to the officers and witnesses



so much of the amount of their costs for the arrest and conviction of said convicts due them, and adjudged against said convicts as have been worked out at fifty cents per day, as is provided for in Article 3742, Revised Civil Statutes of 1895. The said amount shall be paid out of the road fund upon the order of the court, when said fine and costs have been worked out as provided in this section; provided, that this act shall not be construed so as to relieve any convict from payment of all costs for which he would be liable under the General Laws of this State.

SEC. 19. Whenever a special tax for the maintenance of the public roads is levied and collected, as provided for in Section 9, of Article 8, of the Constitution, or otherwise, the commissioners courts of said counties shall not be compelled to require persons subject to road duty to work on the roads, as prescribed in existing General Laws, but said courts may cause said roads to be worked wholly by taxation, or by taxation in connection with road service, as such courts may deem best. And the said courts shall have authority to employ such labor as may be necessary to work the public roads of the counties, to be paid for out of the road fund; such labor shall be under the control of the road commissioner of the precinct in which the road is located; provided, that no contract shall be made that will necessarily extend beyond the term of office of commissioners making such contract.

SEC. 20. The commissioners courts of said counties may, when deemed best, construct, grade, gravel, drain, or otherwise improve any road or bridge by contract. In such case said courts or the county judges may advertise, in such manner as the courts may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond in such amount as said courts may determine, with good and sufficient sureties, payable to the county judges and their successors in office, for the faithful compliance with such contract, but said courts shall have the right to reject any and all bids.

SEC. 21. Whenever the commissioners courts of said counties may deem best to build or construct, or cause to be built or constructed, lasting or permanent roads in the counties, or grade, gravel or otherwise improve such road, by contract or otherwise, and find it necessary to widen the road or to make as straight a road as is practicable, said courts shall have power and may employ a competent surveyor, who shall be an engineer, to make a proper survey of such road or so much thereof as said courts may deem necessary to be built, constructed or otherwise improved, together with the frontage of each tract of land abutting on said road.

SEC. 22. The surveyor shall, as soon as practicable after his employment, proceed to make an accurate survey and system of levels of the necessary grade line of said road, and shall cause substantial stakes or monuments to be placed along said lines at intervals of one hundred feet, together with such intermediate stakes as may be necessary, numbered progressively, and shall establish permanent marks along said lines at intervals of one mile or less, as may be necessary, and establish by stake or monument of different character and appearance from all other stakes and monuments, the highest point upon said road between natural water courses crossed by said road; said surveyor shall also meas-

ure and establish by suitable marks the frontage of each tract of land abutting on said road, and ascertain and give the name of each owner thereof, and if there be a natural waterway adjacent to the line of said road and the same is necessary to be utilized as an outlet to lead the water at any point from said road and its ditches, the surveyor shall measure the distance to same, and run the line of levels thereto at the nearest practicable point on said road and ditch. He shall prepare a map showing the location of said road, together with the positions of stakes or monuments with numbers corresponding with those on the ground and the position of marks, with the elevations referred to. Said map shall also show the lines and distances of the frontage of adjacent land and the name of the owner and the course and distances to any adjacent water course, together with a profile of the line of the road, which shall show the assuming datum, the natural grade line of the road and the proposed grade line of the road, not to rise or fall in lineal course more than fifteen inches to the sixteen and one-half feet; and the said map, or the explanation of the same, shall, in tabular form, give the height of grade, width at bottom and width at top, and at each 100 feet stake or monument upon the following basis or datum: For first class roads entire width to be 60 feet, grade 20 feet wide at bottom; second class roads to be 50 feet wide, grade 16 feet at bottom; third class roads thirty feet wide, grade fifteen feet wide at bottom. Said map or explanation to the same shall show the total number of yards to be excavated, and the number of yards to fill, and an estimate of the cost of each portion of the road lying between each 500 feet stake or monument, together with an estimate of the total cost of the whole work for said road and the proper drainage; and the surveyor shall, as soon as the survey is completed, prepare and file, together with his report and map as herein provided for, specifications in detail for the execution of the same, together with the statement of the locality of all necessary culverts or drainage and the dimensions and character of material required therefor. The survey report map, explanations, specifications and estimates herein provided for shall be filed by the surveyor with the clerk of the commissioners courts as soon after his employment as may be practicable, having in view an accurate and complete report upon the physical conditions to be met with in the construction of said road or section thereof.

SEC. 23. At any regular, called or special session of the commissioners court, after the filing of the surveyor's report, map, explanation, specifications and estimate of the surveyor, provided for in this act, it shall appear to the courts from such a report, that it be necessary to occupy any lands adjacent to the road surveyed for the purpose of opening, widening, straightening, grading and draining, or either, any such road or any part thereof, if the owner of such land and the county cannot agree upon the damages, if any, to be paid, the county may proceed to condemn the same as herein provided for in Section 17 of this act, or the owner may appoint five freeholders of the county, not interested directly in the construction of the proposed work as a land owner adjacent to or abutting on said road, and not kin to any of the parties so directly interested therein, who shall constitute a jury of view, who shall meet at a time and place to be specified by said court in the order appointing them and the clerk of the court shall thereupon issue to each of the said jury of view a copy of the order of court and a precept to the

sheriff to serve the same upon the jurors, within ten days after such order was made, and the sheriff receiving such copies shall serve the same upon the jurors by delivering to each of them in person a copy of the order provided for, or by leaving such copy at the usual place of abode of such juror within ten days after the sheriff receives said copies, and he shall make his return to the clerk on the precept, stating the date and manner of service, or, if service has not been made, stating the cause of his failure to make same; and any juror, summoned as such, who shall fail or refuse to perform the services required of him by law as such juror shall forfeit and pay for every such failure the sum of ten dollars, to be recovered by judgment upon suit of the county attorney in the name of the county, in any court of competent jurisdiction of the county in which such defaulter may reside.

SEC. 24. The jury of view shall proceed, with the road commissioner of the precinct where the surveyed road is located, who shall take with him the original report, map, explanation, specifications and estimate of the surveyor, for the use of the jury, at the time and place specified in the order of the court appointing them, after notice has been given to each abutting land owner as hereinafter provided, and after having taken the following oath before any officer authorized to administer the same, to wit: "I do solemnly swear that I am not directly interested in the construction of the proposed road, or any lands abutting on the same, and that I will assess the damages to land owners, if any there be, according to law, without bias or prejudice, malice or hatred, to the best of my knowledge and ability, so help me God." And after viewing the road and abutting lands surveyed by the engineer, and after hearing all protests, claims and remonstrances offered and presented, taking into consideration the relative amount of benefit derived by said land from the construction of such road, and they shall assess the amount of damages or compensation due to each land owner, if any, for land to be taken, necessary to be occupied for the purpose of opening, widening, straightening, grading and draining, or either, any such road or any part thereof, or through whose land any lateral ditch or drain is or may be constructed under the order of appointment, necessary to drain the road; which damages or compensation assessed, if any, shall first be ordered to be paid by the county, out of the road fund of the county, and the treasurer shall have paid the same, or secured its payment by special deposit of the amount in his office, subject to the order of such owner, and shall notify such owner by mail or otherwise of such deposit.

SEC. 25. The road commissioner shall issue a notice in writing to the land owner of each abutting tract of land along said road a part of whose land is sought to be taken for the road, and to each land owner through whose land a ditch or drain for the road is sought to be made, or to his or their agent or attorney, of the time and place when the jury will assess the damages incidental to the taking of the land or construction of a ditch for the road, which notice shall be served by any person competent to testify, or through mail by registered letter, upon such owner, his agent or attorney at least five days before the day named therein. If such owner is a non-resident and his address is known, and has no agent or attorney in the county, the notice shall be given by registered letter through the mail ten days prior, and if his residence or address is unknown, by publication for four weeks in a newspaper pub-

lished in the county, prior to the date named for the meeting of the jury of view. The cost of such registered mail notice and such publication shall be paid by the county, on an order of the court, and proper returns of said notice showing how same has been served shall be filed with the report of the jury of view.

SEC. 26. Any person whose land may be affected by such road and its lateral drain ditches, if any, may at any time stated in such notice or previously thereto present to the jury a statement in writing of any objections to or dissatisfaction therewith, and any claim for damages which he may have sustained by the reason of the taking of his land for road purposes and the making of lateral drain ditches, and a failure to make such objections or claims for damages or compensation in writing, as herein specified, shall be deemed a waiver of all claim or right thereto, all of which objection or claim shall be returned to the commissioners court in connection with the report of the jury of view; provided, that any abutting land owner shall have the right also to appear before and be heard by the commissioners court on his protest or remonstrance or claim against the action of the jury of view.

SEC. 27. The jury of view shall make a report to the commissioners court, as soon as practicable after their meeting, signed by at least three of said jury, and duly verified under oath, of their actions and findings in the manner, and shall return with their report the name of each land owner, the number of acres and the amount of damages assessed or compensation awarded for each land owner. The road commissioner shall carefully preserve from damage and duly return with the report of the jury of view the maps, profile, explanation, specifications and estimates of the surveyor, and all claims and objections presented by the land owners, and all notices and returns of service thereof on land owners, agents and attorneys, and the same shall be filed with the clerk of the commissioners court and shall become a public record and be preserved as such, and the court shall act upon such report at the next regular term, and approve or reject the same.

SEC. 28. If the commissioners court shall approve of the report of the jury and order that such road and lateral ditches, if any, to be opened, they shall consider the assessment and damages by the jury and claimant's statement thereof, and allow to such owner just damages or adequate compensation for the land taken, and when paid, or secured by deposit with the county treasurer to the credit of such land owner, they may proceed to have such road and lateral drain ditches, if any, opened and constructed, by contract or otherwise, as they deem best.

If the land owner is not satisfied with the assessment by the commissioners court he may appeal therefrom as in cases of appeal from judgments of justices court, but such appeal shall not prevent the commissioners court from opening the road and drain ditches, if any, and improve the same, but shall be only to fix the amount of damages in controversy between the owner and the county, and if a greater amount of damages is obtained on appeal, the county shall pay the excess and the costs, but if no greater damages are obtained the party taking the appeal shall pay all costs.

SEC. 29. The said jury of view shall each receive the sum of two dollars per day as compensation for their services for each day so actually engaged; and said surveyor and engineer shall receive as compen-

sation such sum as may be allowed by the commissioners court, not to exceed five dollars per day.

SEC. 30. In all cases where the cost of material and labor exceed the sum of two hundred dollars, it shall be the duty of said court to construct, grade or gravel or otherwise improve any road or bridge by contract, the same to be advertised for as provided by said commissioners court.

SEC. 31. At the regular or at any called term in November, 1901, and every two years thereafter at its November term, the commissioners court shall appoint overseers for each first, second and third class public road, or for each road precinct in the county, and to remove the same at any regular or called term in the year, when they prove inefficient or incapable upon the report of the road commissioner, and to appoint others in their places, and the court shall also apportion all the able bodied male persons in the county, subject to road duty, to the several road overseers, and the hands shall, as near as practicable, be apportioned to work on the road or road precinct nearest to their place of abode.

SEC. 32. The commissioners court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and twenty-five cents per day, when such service is performed by him upon a written order or recommendation of his road commissioner; and the court may allow to any owners who have been warned by an overseer of a public road upon the written order of the road commissioner to bring any teams and wagons, plows, scrapers or any road implements, for service on the roads, pay at the rate of one dollar and fifty cents per day for double teams, two dollars per day for double team and wagon, and one dollar and fifty cents per day for single team and wagon or cart.

SEC. 33. In order that the intent and provisions of this bill may be carried out, and further, if it is found necessary, in order to raise the funds to meet the costs of this road system, the commissioners court of Fayette, Uvalde and Frio counties are hereby authorized, if in their judgment it becomes necessary, to assess and collect a tax on all property of the counties not to exceed fifteen cents on the one hundred dollars valuation, this tax to be known as the road and bridge tax, and is to be applied only to the construction, grading, graveling, draining or otherwise improving any roads or bridges in the counties, and for no other purpose, and it is understood that all other funds that are now used for road and bridge purposes are to be continued as they are now used, and the tax specified and authorized by this section is to be considered supplemental thereto, and in no case shall the tax contemplated added to any other road or bridge tax ever exceed the sum of fifteen cents on the one hundred dollars of taxable values for road and bridge purposes.

SEC. 34. As this act contemplates a system of good roads for Fayette, Uvalde and Frio counties, which will necessarily take a number of years to complete, nothing in this act is to be construed to prevent the assessment and collection of road and bridge taxes not to exceed fifteen cents per one hundred dollars of taxable values in these counties when an election for that purpose has been held according to law, as provided for in Section 9, Article 8, of the Constitution, in these counties.

## ROAD OVERSEER AND ROAD HANDS.

SEC. 35. All male persons between the ages of twenty-one and fifty years shall be liable, and it is hereby made their duty, when appointed to serve as overseers, and to work on, repair, clean out and perform such labor on the public roads, under provisions of the General Law on roads and bridges of the State and of this act, except invalids, members of any company of volunteer guards organized under provisions of the title "militia" and the members of all volunteer fire companies in the active discharge of their duties as firemen, who shall be exempt; and no person shall be compelled to serve as overseer or to work on a road who has not been residing in the county in which he is summoned to work for the space of fifteen days immediately preceding such summons.

SEC. 36. All persons liable to road duty in the counties of Fayette, Uvalde and Frio shall be compelled to serve as overseer or to work on any public road or roads five days in each year and not less than five days in each year, but no person shall be compelled to work outside of his road precinct.

SEC. 37. The term "road," as used in this act, includes roadbed, ditches, drains, bridges, culverts, and every part of such road, and the term "work" and "working" include the opening and laying out of new roads, widening, constructing, draining, repairing and everything else that may be done in and about any road.

SEC. 38. Any able bodied male person residing in these counties and subject to road duty may, by paying the sum of three dollars to the road commissioner of his precinct, who shall give his receipt for same, expressing that it is in lieu of road service for that year, and who exhibits such receipt to the overseer of the precinct or to the person working him, such receipt will be sufficient excuse when shown to the overseer or person working him to work the road, the overseer making a note of such receipt and returning same in his report to the commissioners court. No hand is to be excused from service on the road for a term of five days in each year for any temporary sickness or disability, but each one must work at least five days in each year, and in case of removal from one section to another of the county, the road overseer shall, upon request of such road hand, give him a certificate showing the number of days he has actually worked during the year, and such hand will be due the remainder of the time to the county wherever he may reside in it, and he must be required to work his full time out, unless excused in accordance with this act.

SEC. 39. It shall be the duty of the hands after being warned by a proper person, as now provided for under the General Laws of the State in regard to roads and bridges, to promptly appear at the place and at the time warned to appear and report to the overseer of the road, and to obey the orders of the overseer or road commissioner, and proceed to work under their directions; and shall bring with him an axe, grub-hoe, mattock, shovel, crow-bar or such other tool as the overseer may direct, or such as he may have suitable for road work.

SEC. 40. Any road overseer who shall have been entrusted with any teams, tools, implements or machinery belonging to the county necessary in working the road in his precinct shall be liable for any damages that may occur to the same while in his possession, caused by his negligence

or want of due care of same, and he shall not use or permit the same to be used for private purposes whatever, and it shall be his duty, when he has finished work on his road, to return to the road commissioner of his precinct all teams, tools, implements or machinery received from him and take up receipt given therefor.

SEC. 41. Every overseer of the said counties shall cause the road or roads in his precinct to be worked at least five days in each year.

SEC. 42. Each overseer shall report in writing and under oath to the commissioners courts of these counties at the November regular term thereof in each year, giving the number of hands and their names, and the names of the farms or places from which he got the hands in his precinct liable to work on the roads, the number of days he has caused his road to be worked; the condition of such road and bridges, culverts and drains; number of proper mile posts set up, all sign boards put up at forks or crossings of his road with others; the amount of funds received by him for his road, and from whom received and for what purpose, and to whom and for what purpose paid out or expended; and the amount, if any, of funds that remain in his hands; and he shall pay over to the road commissioners any such funds which may remain in his hands, take receipt therefor and to state in his report; also what plows, scrapers, implements, machinery or other tools belonging to the county are in his possession and where they are located, and he shall make a like report to the road commissioner of his precinct on the first Monday in February, May, August and November of each year, and such other reports as such road commissioner may require from time to time, that are reasonable and necessary to subserve the interest of the county.

SEC. 43. This law shall be cumulative of all other laws on the subject of roads and bridges not in conflict herewith, and when otherwise provided herein such general laws shall apply; but in case of conflict with other general laws the provisions of this act shall govern so far as concerns Fayette, Uvalde and Frio counties, and an act passed at the regular session of the Twenty-second Legislature, ——— day of ———, 1891, Chapter 54, Acts 1891, providing a special law for Grayson, Dallas, Galveston, Brown, Comanche, Mills, Fannin, Travis, Hunt, Kaufman and Fayette counties is hereby repealed as to Fayette county; and this act shall be taken notice of by all courts in the same manner as the General Laws of this State.

SEC. 44. The great necessity for this law, there being no law existing upon the subject that is sufficient to enable the people of these counties to improve and construct the roads and bridges as they should be, creates a public necessity and emergency requiring that the rule that bills be read on three several days in each house be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate, where it was amended and passed by two-thirds vote, yeas 23, nays 0; House concurred in Senate amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 1st day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objec-

tions thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## HOUSTON COUNTY—ROAD SYSTEM.

H. B. No. 375.]

### CHAPTER L.

An Act to create a more efficient road system for Houston county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said county, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing for the employment of surveyor or engineer; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of two dollars; providing for the ages of male persons liable to serve as overseers and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Houston county; and providing further, making this law cumulative of the general laws, and in case of a conflict this act to govern as to Houston county, Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Houston county shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court shall have charge of all the teams, tools, machinery and appliances belonging to the county and placed in their hands by the said court, and it shall be their duty, under such rules and regulations as the commissioners court shall prescribe, to superintend the laying out of new roads, or changing of established roads, and the building or repairing of bridges, the working, laying out, draining, building and repairing of public roads, the control over all road overseers, and such other matters pertaining to public roads and bridges in their respective precincts as the commissioners court may require.

SEC. 2. Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county and his successors in office, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law, or by the commissioners court, and that he will properly account for all money or property belonging to the county and that may come into his possession.

SEC. 3. It shall be the duty of the road commissioner to inform himself of the condition of the public roads and bridges in his precinct, and he shall determine what character of work shall be done upon said roads or bridges, and shall direct the manner of grading, draining or otherwise improving the roads, or repairing bridges, which directions shall be observed and obeyed by all road overseers and employees of his precinct.



SEC. 4. Each road commissioner shall have control over all road overseers in his precinct, and shall deliver to each of them all teams, tools and machinery necessary in working the road in the said overseer's road district, so far as he has been supplied therewith by the commissioners court, taking the receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any team, tool or machinery belonging to said county shall be liable for any damages that may occur to same while in his possession, caused by his negligence or misconduct.

SEC. 5. Each road commissioner shall take charge of all teams, machinery, tools and implements placed under his control by the commissioners court, and execute his receipt therefor, which shall be filed with the county clerk, and he shall be responsible for the safe keeping of all such teams, machinery, tools and implements, and the proper expenditure of any money belonging to the road or bridge fund that may come into his hands by donation, or so far as he has been supplied therewith by the commissioners court, and upon the expiration of his term of office, or in case of his resignation or removal, he shall deliver all such property and money to his successor, or such other person as the commissioners court may direct.

SEC. 6. Each road commissioner shall see that all the roads and bridges in his precinct are kept in good repair, and he may, under the directions of the commissioners court, inaugurate and carry out a system of working, grading and draining the public roads in his precinct. He shall have the general supervision over all the county convicts worked on roads in his precinct, but this shall not prevent the commissioners court from employing some other person to watch and manage such convicts and direct the work to be done by them.

SEC. 7. Each road commissioner may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work, and require overseers to work all the hands in their particular district, for the term of five days in each year, and shall see to it that overseers measure their roads, set up mile posts, place proper index boards and replace mile posts and index boards as required by law.

SEC. 8. Each road commissioner shall keep an accurate account of all moneys received by him on account of the road fund or bridge fund, and shall make a report under oath to the commissioners court at each regular term thereof, showing an itemized account of all moneys belonging to the road or bridge fund he has received, from whom or what source received, and what disposition he has made of the same; the condition of all roads, bridges and culverts in his precinct; what, if any, new roads, and kind, should be opened or discontinued; and what, if any, bridges, culverts or other improvements are necessary to place the roads in his precinct in good condition, and the probable cost of such improvement; the name of every overseer who has failed to work the road or in any way neglected to perform his duty, and such other matters as the court may desire information upon; and shall make such other report at such times as the court may require.

SEC. 9. Each road commissioner shall obtain from the tax collector

of his county, after the first day of February and before the first of March of each year, a full list of the delinquent poll taxpayers of his precinct for the previous year, and the persons in said list as delinquent poll taxpayers shall be subject to road duty for the period of two days during such year, and they shall be summoned as in other cases to work the road in the road district or precinct in which such person may reside; and the performance of the road service provided for in this article shall not exonerate the persons from any other road duty to which the person performing the same may be subject, but this shall be taken as cumulative; and all persons so appearing on said list who are delinquent poll taxpayers and residing in incorporated cities and towns in the county shall also be subject to road duty for the period of two days during such year, and they shall be apportioned among the overseers in charge of roads leading out of such city or town in which they reside, as the road commissioner may deem best, to be summoned by such overseers as in other cases to work the roads in the road precinct to which they are assigned.

It shall be the duty of the road overseer, whenever any defaulting poll taxpayer shall have discharged the poll tax by labor, to report the same to the road commissioner, who in turn reports the same to the commissioners court, to be credited to the party on the delinquent tax rolls returned by the tax collector to the court for the amount thus satisfied; said overseer shall also report the same in his regular report to the commissioners court.

But any person delinquent for poll taxes summoned on the road under the provisions of this article may satisfy said summons and be relieved from said duty by paying to the road commissioner the sum of two dollars, all of which shall go to the road fund to the credit of the commissioners precinct in which such person resides; and said road commissioner shall keep strict and accurate account of all such money received, report same to the commissioners court, and pay over the same promptly to the county treasurer, who shall credit same to the special road fund, to be kept by him for such precinct.

If any person liable under the law to work upon the public roads shall wilfully fail or refuse to attend, either in person or by substitute, at the time and place designated by the road overseer of his district or precinct, after being legally summoned, or shall fail, on or before the day for which he is summoned to attend, to pay to such overseer the sum of one dollar per day for each day he may have been notified to work on the road, or having attended shall fail to perform any duty required of him by law and such overseer, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not exceeding ten dollars.

SEC. 10. Each road commissioner shall be entitled to two dollars per day for services actually performed, not to exceed seventy-five dollars in any one quarter, said per diem to be paid out of the road fund when the account shall have been approved by the commissioners court; and the court shall not approve said account unless the commissioner presenting it shall sign an affidavit to same that the account is just, due and unpaid, and that the work was actually performed by him, and that it was necessary to be done; and said account shall specify the number of days work performed by him, and the dates thereof, and no commissioner shall be

entitled to pay as road commissioner while he is performing the duties of county commissioner and receiving pay therefor.

#### COMMISSIONERS COURT.

SEC. 11. The commissioners court of Houston county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out and draining and repairing the public roads in said county as it may deem best, and from time to time said county may change its plan and system for working the same. The commissioners court of said county shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads, or to hire all necessary road machinery, tools, implements, teams and labor, or either, to grade, drain, build or repair the roads of such county, and to make all reasonable and necessary rules, orders and regulations not in conflict with law for laying out, working and otherwise improving the public roads, and to utilize the labor and money expended thereon and to enforce the same. But no change in any road shall be made that lengthens the same unless same be made to place the road on better ground.

SEC. 12. The commissioners court of said county may make contracts for all supplies and materials to be used in feeding the hands and teams employed on the public roads and in the work of the same, and may provide the necessary tents for the same.

SEC. 13. The commissioners court or road commissioner may accept donations of money, lands, labor and men, teams, tools, implements or machinery or any other kind of property or material to aid in building roads or bridges in the county or precinct, and the court may authorize any person to make a drain along any public road for the purpose of draining his lands, and require the person draining his land to do such work under the direction of the road commissioner of the precinct.

SEC. 14. The commissioners court shall see that the road and the bridge funds of their county is judiciously and equitably expended on the roads and bridges of the county, and, as nearly as the conditions and necessity of the roads will permit it shall be expended in each justice's precinct in proportion to the amount collected in such precinct; and in expending money in building permanent roads the money shall first be used only on first or second class roads.

SEC. 15. The commissioners court of said county shall have power and authority to build or construct, or cause to be built or constructed, in the county lasting or permanent county roads and bridges of some permanent or durable material, to be selected and agreed upon by said commissioners court, and may also construct drains or ditches to carry off the water from such road or roads and from lands adjacent thereto whenever and wherever same can be done, and may take and condemn any land or lands necessary for the purpose of constructing roads or drains, and it may authorize the road commissioners, overseer or contractor to enter upon and take from any land adjacent to any public road earth, gravel, stone or other material necessary for the construction, repair, grading or improvement of such road or drains under its general powers of eminent domain.

SEC. 16. Whenever the said court shall deem it necessary or expe-

dient to build or construct permanent roads and bridges, or either, they may order such roads and bridges to be surveyed and laid out and proper profiles and estimates made by a competent civil engineer, the county surveyor, or other competent person, to be employed by the county for that purpose, and constructed under the supervision of the road commissioner and a civil engineer or county surveyor or other competent person.

SEC. 17. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, grading, making embankments, filling or draining any road or part thereof, if the owner of such land and the commissioners court cannot agree upon the damages to be paid, the county may proceed to condemn the same in the same manner that a railroad company, under the law now existing, and hereafter passed, may condemn land for right of way; and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the general law relating to the opening of public roads by jury of view; this section shall be held to be cumulative thereof, and the commissioners court of Houston county may act under the general law or the provisions of this section at their option in such case.

SEC. 18. The commissioners court of said county may require all county convicts, not otherwise employed, to labor upon the public roads of such county, under such regulations as they may prescribe for the working of such convicts within the limits of said county, and each convict so worked shall receive a credit of fifty cents on his fine and costs for each day he may so labor. Such court may provide such reasonable regulations and punishment as may be necessary to require such convicts to labor; but no convict shall be required to labor on Sunday. Said court may provide such reasonable remedies necessary to prevent a convict from escaping, and may provide the necessary houses, prisons, provisions, clothing, bedding, food, medicines and medical attention for the convicts, and guards for the safe keeping of the convicts; and may provide a reward, not to exceed ten dollars, to be paid out of the road fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be added to said convict's fine and costs, and he be required to work out the same.

Said court shall, at a regular term, allow to the officers and witnesses so much of the amount of their costs for the arrest and conviction of said convicts due them and adjudged against such convicts as has been worked out at fifty cents per day, as is provided for in Article 3742. Revised Civil Statutes of 1895. The said amount shall be paid out of the road fund upon the order of the court when said fine and costs have been worked out as provided in this section; provided, that this act shall not be construed so as to relieve any convict from payment of all costs for which he would be liable under the General Laws of this State.

SEC. 19. Whenever a special tax for the maintenance of the public roads is levied and collected, as provided for in Section 9, of Article 8. of the Constitution, or otherwise, the commissioners court of said county shall not be compelled to require persons subject to road duty to work

on the roads, as prescribed in existing general laws, but said court may cause said roads to be worked wholly by taxation, or by taxation in connection with road service, as such court may deem best. And the said court shall have authority to employ such labor as may be necessary to work the public roads of the county, to be paid for out of the road fund; such labor shall be under the control of the road commissioner of the precinct in which the road is located; provided, that no contract shall be made that will reasonably extend beyond the term of office of commissioners making such contract.

SEC. 20. The commissioners court of said county may, when deemed best, construct, grade, gravel, drain or otherwise improve any road or bridge by contract. In such case said court or the county judge may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond in such amount as said court may determine, with good and sufficient sureties, payable to the county judge and his successors in office, for the faithful compliance with such contract; but said court shall have the right to reject any and all bids.

SEC. 21. Whenever the commissioners court of said county may deem best to build or construct, or cause to be built or constructed, lasting or permanent roads in the county, or grade, gravel or otherwise improve such road, by contract or otherwise, and they find it necessary to widen the road or to make as straight a road as is practicable, said court shall have power and may employ a competent surveyor, who shall be an engineer, to make a proper survey of such road or so much thereof as said court may deem necessary to be built, constructed or otherwise improved, together with the frontage of each tract of land abutting on said road.

SEC. 22. The surveyor shall, as soon as practicable after his employment, proceed to make an accurate survey and system of levels of the necessary grade line of said road, and shall cause substantial stakes or monuments to be placed along said lines at intervals of one hundred feet, together with such intermediate stakes as may be necessary, numbered progressively, and shall establish permanent marks along said lines at intervals of one mile or less, as may be necessary, and establish by stakes or monuments of a different character and appearance from all other stakes and monuments the highest point upon said road between natural water courses crossed by the road; said surveyor shall also measure and establish by suitable marks the frontage of each tract of land abutting on said road, and ascertain and give the name of each owner thereof, and if there be a natural waterway adjacent to the line of said road and the same is necessary to be utilized as an outlet to lead the water at any point from said road and its ditches, the surveyor shall measure the distance to same, and run the line of levels thereto at the nearest practicable point on said road and ditch. He shall prepare a map showing the location of said road, together with the position of stakes or monuments with numbers corresponding with those on the ground and the position of marks, with the elevations referred to. Said map shall also show the lines and distance of frontage of adjacent land and name of the owner, and the course and distance to any adjacent water course, together with a profile of the line of the road, which shall show the assumed datum, the natural grade line of the road and the proposed grade line of the road, not to rise or fall in lineal course more than

fifteen inches to the sixteen and one-half feet; and the said map, or the explanation to the same, shall, in tabular form, give the height of grade, width at the bottom and width at the top, and at each one hundred feet stake or monument, upon the following basis or datum: For first-class roads entire width to be 60 feet, grade 20 feet wide at bottom; second-class roads to be 50 feet wide, grade 16 feet at bottom; third-class road 30 feet wide, grade 15 feet wide at bottom. Said map or explanation to the same shall show the total number of yards to be excavated, and number of yards to fill, and an estimate of the cost of each portion of the road lying between each five hundred feet stake or monument, together with an estimate of total cost of the whole work for said road and proper drainage; and the surveyor shall, as soon as survey is completed, prepare and file, together with his report and map as herein provided for, specifications in detail for the execution of the same, together with the statement of the locality of all necessary culverts for drainage and the dimensions and character of material required therefor. The survey report, map, explanation, specifications and estimates herein provided for shall be filed by the surveyor with the clerk of the commissioners court as soon after his employment as may be practicable, having in view an accurate and complete report upon the physical conditions to be met with in the construction of said road or section thereof.

SEC. 23. At any regular, called or special session of the commissioners court, after the filing of the surveyor's report, map, explanation, specifications and estimate of the surveyor provided for in this act, it shall appear to the court from such report that it be necessary to occupy any lands adjacent to the road surveyed for the purpose of opening, widening, straightening, grading and draining, or either, any such road or part thereof, if the owner of such land and the county cannot agree upon the damages, if any to be paid, the county may proceed to condemn the same as herein provided for in Section 17 of this act, or the court may appoint five freeholders of the county, not interested directly in the construction of the proposed work as a land owner adjacent to or abutting on said road, and not of kin to any of the parties so directly interested therein, who shall constitute a jury of view, who shall meet at a time and place to be specified by said court in the order appointing them, and the clerk of the court shall thereupon issue to each of said jury of view a copy of the order of the court and a precept to the sheriff to serve the same upon the jurors within ten days after such order was made, and the sheriff receiving such copies shall serve the same upon the jurors by delivering to each of them in person a copy of the order provided for, or by leaving such copy at the usual place of abode of such juror within ten days after the sheriff receives said copies, and he shall make his return to the clerk on the precept, stating the date and manner of service, or if service has not been made, stating the cause of his failure to make the same; and any juror summoned as such who shall fail or refuse to perform the services required of him by law as such juror shall forfeit and pay for every such failure the sum of ten dollars, to be recovered by judgment upon suit of the county attorney in the name of the county in any court of competent jurisdiction of the county in which such defaulter may reside.

SEC. 24. The jury of view shall proceed, with the road commissioner

of the precinct, where the surveyed road is located, who shall take with him the original report, map, explanation, specifications and estimate of the surveyor, for the use of the jury, at the time and place specified in the order of the court appointing them, after notice has been given to each abutting land owner as hereinafter provided, and after having taken the following oath before any officer authorized to administer the same, to wit: "I do solemnly swear that I am not directly interested in the construction of the proposed road, nor in any lands abutting on the same, and that I will assess the damages to land owners, if any there be, according to law, without bias or prejudice, malice or hatred, to the best of my knowledge and ability, so help me God." And after viewing the roads and abutting lands surveyed by the engineer, and after hearing all protests, claims and remonstrances offered and presented, taking into consideration the relative amount of benefit to be derived by said land from the construction of such road, and they shall assess the amount of damages or compensation due to each land owner, if any, for land to be taken necessary to be occupied for the purpose of opening, widening, straightening, grading and draining, or either, any such road or any part thereof, or through whose land any lateral ditch or drain is or may be constructed under the order of appointment necessary to drain the road; which damage or compensation assessed, if any, shall first be ordered to be paid by the county, out of the road fund of the county, and the treasurer shall have paid the same, or secured its payment by a special deposit of the amount in his office, subject to the order of such owner, and shall notify such owner by mail or otherwise of such deposit.

SEC. 25. The road commissioner shall issue a notice in writing to the land owner of each abutting tract of land along said road a part of whose land is sought to be taken for the road, and to each land owner through whose land a ditch or drain for the road is sought to be made, or to his or their agent or attorney, of the time and place when the jury will assess the damages incidental to the taking of the land on construction of a ditch for the road, which notice shall be served by any person competent to testify, or through mail by registered letter, upon such owner, his agent or attorney at least five days before the day named therein. If such owner is a non-resident and his address is known, and has no agent or attorney in the county, the notice shall be given by registered letter through the mail ten days prior, and if his residence or address is unknown, by publication for four weeks in a newspaper published in the county prior to the date named for the meeting of the jury of view. The cost of such registered mail notice and of such publication shall be paid by the county on an order of the court, and proper returns of said notice showing how same have been served shall be filed with the report of the jury of view.

SEC. 26. Any person whose land may be affected by such road and its lateral drain ditches, if any, may at any time stated in such notice or previously thereto present to the jury a statement in writing of any objections to or dissatisfaction therewith, and any claim for damages which he may have sustained by reason of the taking of his land for road purposes and the making of lateral drain ditches, and a failure to make such objections or claim for damages or compensation in writing, as herein specified, shall be deemed a waiver of all claim or right thereto, all of which objection or claim shall be returned to the commissioners

court in connection with the report of the jury of view; provided, that any abutting land owner shall have the right also to appear and be heard by the commissioners court on his protest or remonstrance or claim against the action of the jury of view.

SEC. 27. The jury of view shall make a report to the commissioners court, as soon as practicable after their meeting, signed by at least three of said jury, and duly verified under oath, of their action and findings in the manner, and shall return with their report the name of each land owner, the number of acres and the amount of damages assessed or compensation awarded for each land owner. The road commissioner shall carefully preserve from damage and duly return with the report of the jury of view the map, profile, explanation, specifications and estimates of the surveyor, and all claims and objections presented by the land owners, and all notices and returns of services thereof on land owners, agents or attorneys, and the same shall be filed with the clerk of the commissioners court, and shall become a public record and be preserved as such, and the court shall act upon such report at the next regular term, and approve or reject the same.

SEC. 28. If the commissioners court shall approve of the report of the jury and order that such road and lateral ditches, if any, to be opened, they shall consider the assessment and damages by the jury and claimant's statement thereof, and allow to such owner just damages or adequate compensation for the land taken, and when paid or secured by deposit with the county treasurer to the credit of such land owner they may proceed to have such road and lateral drain ditches, if any, opened and constructed, by contract or otherwise, as they may deem best.

If the owner of the land is not satisfied with the assessment by the commissioners court he may appeal therefrom as in cases of appeal from judgments of justices' court, but such appeal shall not prevent the commissioners court from opening the road and drain ditches, if any, and improve the same, but shall be only to fix the amount of damages in controversy between the owner and the county, and if a greater amount of damages is obtained on appeal, the county shall pay the excess and the costs, but if no greater damages are obtained, the party taking the appeal shall pay all costs.

SEC. 29. The said jury of view shall each receive the sum of two dollars per day as compensation for their services for each day so actually engaged; and said surveyor and engineer shall receive as compensation such sum as may be allowed by the commissioners court not to exceed five dollars per day.

SEC. 30. In all cases where the cost of material and labor exceeds the sum of two hundred dollars, it shall be the duty of said court to construct, grade or gravel or otherwise improve any road or bridge by contract, the same to be advertised for as provided by said commissioners court.

SEC. 31. At the regular or called term in November of each year and as soon as practicable the commissioners court shall appoint overseers for each first, second and third class public road or for each road precinct in the county, and to remove the same at any regular or called term in the year when they prove inefficient or incapable upon the report of the road commissioner, and to appoint others in their places, and the court shall also apportion all the able bodied male persons in the county



subject to road duty to the several overseers, and the hands shall, as nearly as practicable, be apportioned to work on the road or road precincts nearest to their place of abode.

SEC. 32. The commissioners court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year a compensation not to exceed one dollar and twenty-five cents per day, when such service is performed by him upon a written order or recommendation of his road commissioner; and the court may allow to any owners who have been warned by an overseer of a public road upon the written order of the road commissioner to bring any teams and wagons, plows, scrapers or any road implements for service on the road pay at the rate of one dollar and fifty cents per day for double team, two dollars per day for double team and wagon, and one dollar and fifty cents per day for single team and wagon or cart.

SEC. 33. In order that the intent and provisions of this bill may be carried out, and further, if it is found necessary in order to raise the funds to meet the costs of this road system, the commissioners court of Houston county are hereby authorized, if in their judgment it becomes necessary, to assess and collect a tax on all property of the county not to exceed fifteen cents on the one hundred dollars of valuation, this tax to be known as a road and bridge tax, and it is to be applied to the construction, grading, graveling, draining or otherwise improving any roads or bridges in the county, and for no other purpose, and it is understood that all other funds that are now used for road and bridge purposes are to be continued as they are now used, and the tax specified and authorized by this section is to be considered supplemental thereto.

SEC. 34. As this act contemplates a system of good roads for Houston county, which will necessarily take a number of years to complete, nothing in this act is to be construed to prevent the assessment and collection of road and bridge taxes not to exceed fifteen cents per the one hundred dollars of taxable values in this county when an election for that purpose has been held according to law, as provided for in Section 9, Article 8, of the Constitution, in said county.

#### ROAD OVERSEERS AND ROAD HANDS.

SEC. 35. All male persons between the ages of twenty-one and forty-five years shall be liable, and it is hereby made their duty, when appointed, to serve as road overseers, and to work on, clean out and perform such labor on the public roads, under the provisions of the general law on roads and bridges of the State, and of this act, except invalids, members of any companies of volunteer guards organized under provisions of the title "militia," and the members of all volunteer fire companies in the active discharge of their duties as firemen, who shall be exempt; and no person shall be compelled to serve as overseer or to work on a road who has not been residing in the county in which he is summoned to work for the space of fifteen days immediately preceding such summons.

SEC. 36. All persons liable to road duty in the county of Houston shall be liable and may be compelled to serve as overseer or to work on any public road or roads five days in each year, and not less than five days in each year: but no person shall be compelled to work outside of his road precinct.

SEC. 37. The term road, as used in this act, includes roadbed, ditches, drains, bridges, culverts, and every part of such road, and the terms work and working include the opening and laying out of new roads, widening, constructing, draining, repairing, and everything else that may be done in and about any road.

SEC. 38. Any able-bodied male person residing in this county and subject to road duty may, by paying the sum of three dollars to the road commissioner of his precinct, who shall give his receipt for same, expressing that it is in lieu of road service for that year, and who exhibits such receipt to the overseer of the precinct or to the person warning him, such receipt will be sufficient excuse when shown to the overseer or person warning him to work the road, the overseer making a note of such receipt and returning same in his report to the commissioners court. No hand is to be excused from service on the road for a term of five days in each year for any temporary sickness or disability, but each one must work at least five days in each year, and in case of removal from one section to another of the county the road overseer shall, upon request of such road hand, give him a certificate showing the number of days he has actually worked during the year, and such hand will be due the remainder of the time to the county wherever he may reside in it, and he must be required to work his full time out unless excused in accordance with this act.

SEC. 39. It shall be the duty of the hands after being warned by a proper person, as now provided for under the General Laws of the State in regard to roads and bridges, to promptly appear at the place and at the time warned to appear and report to the overseer of the road, and to obey the orders of the overseer or road commissioner, and proceed to work under their directions; and shall bring with him an axe, grub-hoe, mattock, shovel, crowbar or such other tool as the overseer may direct, or such as he may have suitable for road work.

SEC. 40. Any road overseer who shall have been entrusted with any teams, tools, implements or machinery belonging to the county necessary in working the road in his precinct shall be liable for any damages that may occur to the same while in his possession caused by his negligence or want of due care of same, and he shall not use or permit the same to be used for private purposes whatever, and it shall be his duty, when he has finished work on his road, to return to the road commissioner of his precinct all teams, tools, implements or machinery received from him and take up the receipt given therefor.

SEC. 41. Every overseer of the said county shall cause the road or roads in his precinct to be worked at least five days in each year.

SEC. 42. Each overseer shall report in writing and under oath to the commissioners court of this county at the November regular term thereof in each year, giving the number of the hands and their names, and the names of the farms or places from which he got the hands in his precinct liable to work on the roads, the number of days he has caused his road to be worked; the condition of such road and bridges, culverts and drains; number of proper mile posts set up, all sign boards put up at forks or crossings of his road with others; the amount of funds received by him for his road; from whom received and for what purpose, and to whom and for what purpose paid out or expended; and the amount, if any, of funds that remain in his hands; and he shall pay over to the

road commissioner any such funds which may remain in his hands, take receipt therefor and so state in his report; also what plows, scrapers, implements, machinery or other tools belonging to the county are in his possession, and where they are located, and he shall make a like report to the road commissioner of his precinct on the first Monday in February, May, August and November of each year, and such other reports as such road commissioner may require from time to time that are reasonable and necessary to subserve the interest of the county.

SEC. 43. This law shall be cumulative of all other General Laws on the subject of roads and bridges not in conflict herewith, and where not otherwise provided the General Laws shall apply; but in case of conflict with other general laws the provisions of this act shall govern so far as concerns Houston county, and this act shall be taken notice of by all courts in the same manner as the General Laws of this State.

SEC. 44. The great necessity for this law, there being no law existing upon the subject that is sufficient to enable the people of Houston county to improve and construct the roads and bridges as they should be, creates a public necessity and emergency requiring that the rule that bills be read on three several days in each house be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by two-thirds vote, yeas 23, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 1st day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## NORTHERN TEXAS TRACTION COMPANY—AUTHORITY TO BUILD CERTAIN LINES.

S. B. No. 303.]

### CHAPTER LI.

An Act to provide for and to authorize the Northern Texas Traction Company to extend its electric road now owned and operated by it from the city of Fort Worth, in the county of Tarrant, State of Texas, through the counties of Tarrant and Dallas to and into the city of Dallas, in said Dallas county, in said State, and to empower said traction company to condemn lands and other property for the uses and purposes of said corporation, and to provide the method therefor, and to authorize said corporation to exercise the same rights and powers over the line so constructed as it now exercises over the line of road now owned and operated by it, and to do such other things and assume all rights and obligations necessary to the accomplishment of the purposes of this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Northern Texas Traction Company, a corpora-

tion duly chartered and incorporated as a street railway, under the provisions of Chapter 2, Title XXI, of the Revised Civil Statutes of the State of Texas, for the purpose of constructing, owning and operating lines of street railway in the city of Fort Worth, be and it is hereby authorized, with the consent of the city council of Fort Worth, to construct, acquire, maintain and operate an inter-urban electric road from the city of Fort Worth through the counties of Tarrant and Dallas to and into the city of Dallas, in said Dallas county, Texas, by the extension of the lines of road now owned by it from Fort Worth, in Tarrant county, Texas, through the said counties of Tarrant and Dallas to and into the said city of Dallas; provided, that said traction company shall not be authorized to construct, lease, purchase or operate any street railway in said city of Dallas other than so much as may be necessary to make proper entrance into said city and prepare necessary loops, sidings and switches therein, and this only with the consent of the proper authorities of said city of Dallas.

SEC. 2. Said Northern Texas Traction Company is hereby vested with the right, power and authority to survey, lay out its road, acquire its right of way, not exceeding two hundred feet in width, and where necessary to acquire such right of way it shall have the power to enter upon, condemn and appropriate the land, right of way, easements and property of persons, firms or corporations, and the method and manner of its surveys, laying out its roadway, acquiring its right of way, either by contract or condemnation, shall be the same as now provided by law in case of railroads in Chapter 8, Title XCIV, Revised Statutes of the State of Texas, and amendments thereof, and it shall be subject to the same duties, liabilities and have the same rights as is prescribed in said chapter with reference to railroads; provided, this shall not be so construed as to authorize the condemnation of public streets or highways.

SEC. 3. If said traction company shall engage in the business of carrying freight other than personal baggage, express and mail matter, packages, fruits, vegetables, poultry, meat, dairy products and other things for market, it shall thereby be and become subject to the control of the Railroad Commission of Texas.

SEC. 4. Said corporation shall be and is hereby made subject to the provisions of Title 57, of the Revised Statutes of the State of Texas.

SEC. 5. This act shall not be so construed as applying any of the provisions of Title 94. of the Revised Statutes of the State of Texas, and amendments thereof, to said corporation, except those hereinbefore specified and the provisions of Chapter 12b of said title; provided, that the right is reserved by the State to apply the provisions of said title, or any part thereof, to said corporation at such time as the public interest may require; and provided, that the right is expressly reserved by the State to amend the law under and by virtue of which said corporation is chartered and incorporated.

SEC. 6. Whereas, there is now no law existing authorizing the organization of private corporations for the purpose of constructing inter-urban electric railways and to condemn right of way, therefore an emergency and imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days is created, and it is so suspended, and demanding that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 26, nays 0; and passed the House of Representatives by two-thirds vote, yeas 107, nays 0.]

Approved April 5, 1901.

Became a law April 5, 1901.

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## COURTS OF CIVIL APPEALS—CONCLUSIONS OF LAW AND FACT.

H. B. No. 255.]

CHAPTER LII.

An Act to amend Article 1039, Chapter 21, Title XXVII, of the Revised Civil Statutes of Texas, and to add thereto Article 1039a, prescribing the proceedings of the Courts of Civil Appeals in making and filing conclusions of fact and law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 1039, Chapter 21, Title XXVII, of the Revised Civil Statutes of Texas, be and the same is hereby amended so as to hereafter read as follows:

Article 1039. In all cases hereafter decided by the Courts of Civil Appeals in which the Supreme Court has jurisdiction of an application for writ of error, it shall be the duty of the Court of Civil Appeals, within thirty days after the decision of the case, to make and file a conclusion of fact and law upon each material point assigned as error in that court. The evidence need not be stated, except when necessary to determine upon the correctness of some ruling of the court. In cases where the judgment of the trial court shall be reversed and the cause remanded, the Court of Civil Appeals shall state its reason for the judgment.

SEC. 2. *Be it further enacted by the Legislature of the State of Texas,* that Article 1039a shall be added to the aforesaid chapter and title and shall read as follows:

Article 1039a. If either party to a case hereafter decided by a Court of Civil Appeals shall be of the opinion that the findings of fact are insufficient upon any material issue assigned in that court as error, such party may, in his motion for rehearing, specify the point upon which there is no finding of fact, or upon which the finding made by the court is insufficient, and ask the Court of Civil Appeals to make and file conclusions of fact upon the points indicated in the motion. If that court shall refuse to make such finding, or if the finding made be insufficient, such action may be assigned as error in the application to the Supreme Court for a writ of error.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

## WRITS OF ERROR.

S. B. No. 271.]

## CHAPTER LIII.

An Act to amend Article 943, of Chapter 3, Title XXVII, of the Revised Civil Statutes, prescribing the action of the Supreme Court upon petitions for a writ of error to that court.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article 943, of Chapter 3, Title XXVII, of the Revised Statutes of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

Article 943. If, upon an inspection of the petition for writ of error and the record of the cause, it shall appear that a Court of Civil Appeals has failed to file conclusions of fact, or that it has not complied with the requirements of the law in filing its conclusions of fact, and if it shall further appear that such conclusions of fact are necessary to enable the Supreme Court to properly determine the rights of the parties, then the Supreme Court may suspend action on the petition for writ of error and return the record to the Court of Civil Appeals, with the instructions to make and return conclusions of fact upon the points indicated by the Supreme Court. If upon examination of a petition for writ of error the Supreme Court shall find that there is error in the judgment of the Court of Civil Appeals, it shall grant a writ of error returnable within the time and in the manner prescribed by the rules of that court.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

MANDATES—REGULATING THEIR ISSUANCE FROM THE  
SUPREME COURT AND COURTS OF CIVIL  
APPEALS.

S. B. No. 69.]

## CHAPTER LIV.

An Act to amend an act passed by the Twenty-fifth Legislature, entitled "An Act to amend Article 976, Chapter 8, Title 27, of the Revised Civil Statutes of the State of Texas, relating to the payment of costs and returning mandates in the Supreme Court," by adding thereto Article 976a, regulating the time in which mandates may be taken out of the Supreme Court or Courts of Civil Appeals, the same being Chapter 138 of the General Laws passed at the Regular Session thereof.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 976 of the Revised Civil Statutes, as amended by Chapter 138 of the General Laws passed at the Regular Session of the Twenty-fifth Legislature, be amended so as to read as follows, and, further, by adding thereto a new article numbered 976a, as hereinafter set out:

Article 976. The judgment of said court shall be final at the expira-

tion of fifteen days from the rendition thereof when no motion for rehearing has been filed, and upon the rendition of final judgment the clerk of the Supreme Court, or Courts of Civil Appeals, upon payment of costs, shall issue the mandate in the case; provided, that if the party against whom the said costs are adjudged shall make affidavit of his inability to pay the same or give security therefor he may apply to the Supreme Court, or Courts of Civil Appeals, for an order to require the clerk of said court to issue the said mandate, which motion shall be sustained unless the clerk of the court or any party to the record shall controvert the truth of said affidavit and satisfy the court that said motion should not be granted. If for any cause the said court should set aside its judgment after the mandate has been issued, the clerk of the Supreme Court or Courts of Civil Appeals shall at once notify the party to whom the mandate was directed to return it at once. All mandates from the said court shall issue to the court in which the original judgment was rendered.

Article 976a. No mandate shall be taken out of the Supreme Court, or Courts of Civil Appeals, and filed in the court wherein said cause originated unless the same is so taken within the period of twelve months after the rendition of final judgment of the Supreme Court or Courts of Civil Appeals, or the overruling of a motion for rehearing. The provisions of this act shall only apply to cases which are by the Supreme Court, or Courts of Civil Appeals, reversed and remanded and if any cause is reversed and remanded by said Supreme Court, or Courts of Civil Appeals, and the mandate is not taken out within twelve months as heretofore provided, then upon the filing in the court below of a certificate of the clerk of the Supreme Court, or Courts of Civil Appeals, that no mandate has been taken out the case shall be dismissed from the docket of said lower court; provided, that in any cause which has heretofore been reversed and remanded by the Supreme Court, or the Courts of Civil Appeals, the mandate in all such cases shall be taken out within twelve months from and after the passage of this act, and not thereafter.

SEC. 2. The fact that there is no provision under the existing law for the issuance of mandates from the Supreme Court, or Courts of Civil Appeals, except upon the payment of costs, works a great hardship upon many deserving but destitute litigants, and many mandates are now held in the Supreme Court, or Courts of Civil Appeals, owing to the pecuniary distress and inability of the parties who are required to pay for them before they can issue and in order to make effective the principle that pervades our system of law that the courts shall be at all times open to the redress of grievances to the poor as well as to the rich create an emergency and a public necessity exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this act take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given, and was reported to the House of Representatives where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

## THIRTY-FOURTH JUDICIAL DISTRICT—TIMES OF HOLDING COURT.

H. B. No. 319.]

## CHAPTER LV.

An Act to reorganize the Thirty-fourth Judicial District of Texas; to prescribe the time of holding the terms of the district court therein; and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Thirty-fourth Judicial District of the State of Texas shall be composed of the counties of El Paso, Reeves and Presidio, and the unorganized counties of Winkler and Loving, and the terms of the district court for said district shall be as follows, towit:

Five terms of said district court for said Thirty-fourth Judicial District shall be held in the county of El Paso, as hereafter set out:

Beginning in the county of El Paso on the first Monday in January of each year, and may continue in session until the first Monday in March following. In the county of Reeves, on the first Monday in March and September in each year, and may continue in session two weeks. In the county of Presidio, on the second Monday after the first Monday in March and September of each year, and may continue in session two weeks. In the county of El Paso, on the first Monday in April of each year, and may continue in session until the first Monday in June following; on the first Monday in June of each year, and may continue in session until the first Monday in July following; on the first Monday in October of each year, and may continue in session until the first Monday in December following; on the first Monday in December of each year, and may continue in session until the beginning of the following January term.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

## LEON, WALKER AND MADISON COUNTIES—TWELFTH JUDICIAL DISTRICT—TIMES OF HOLDING COURT.

H. B. No. 142.]

## CHAPTER LVI.

An Act to amend an act passed by the Twenty-sixth Legislature of the State of Texas, entitled "An Act to amend Section 12, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding the district court in Trinity county," so as to change the time of holding the district court in Leon, Walker and Madison counties, and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:*



That Section 12, Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 22. The Twelfth Judicial District shall be composed of the counties of Trinity, Leon, Walker, Madison and Grimes, and the district court shall be held in said counties as follows:

In the county of Trinity, on the first Monday in February and August, and may continue in session three weeks.

In the county of Leon, on the third Monday after the first Monday in February and August, and may continue in session four weeks.

In the county of Walker, on the seventh Monday after the first Monday in February and August, and may continue in session four weeks.

In the county of Madison, on the eleventh Monday after the first Monday in February and August, and may continue in session three weeks.

In the county of Grimes, on the sixteenth Monday after the first Monday in February and August, and may continue in session until the business is disposed of.

This act shall take effect and be in force from and after August 1, 1901.

SEC. 2. All processes and writs heretofore issued, or which may be issued up to the time this act takes effect, by or from the district court of said counties, and made returnable to the terms of said courts as now fixed by law, and which terms are changed by this act before said writs are returnable, shall be returnable to the next ensuing term of said courts after the issuance of said writs and processes as prescribed by this act; and all such writs and processes are hereby legalized and validated as if the same had been made returnable to the terms of said courts as fixed by this act; and that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

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## ATTORNEYS AT LAW—DEFINING "BARRATRY."

S. B. No. 145.]

CHAPTER LVII.

An Act to amend Article 290 of the Penal Code of the State of Texas, to further define "barratry" so as to include the fomenting of litigation by attorneys at law by soliciting employment or advancing money or other things of value to the parties to litigations in order to procure employment.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 290 of the Penal Code, be, and is hereby amended so as to hereafter read as follows:

Article 290. If any person shall wilfully instigate, maintain, excite, prosecute or encourage the bringing of any suit or suits at law or equity in any court of this State in which such person has no interest, with the

intent to distress or harrass the defendant therein, or shall wilfully bring or prosecute any false suit or suits at law or equity, of his own, with the intent to distress or harrass the defendant therein, or if any attorney at law shall seek or obtain employment in any suit or case at law, or in equity, to prosecute or defend the same by means of personal solicitation of such employment or by procuring another to solicit for him employment in such cause, or who shall by himself or another seek or obtain such employment by giving to the person from whom the employment is sought money or other thing of value, or who shall directly or indirectly pay the debts or liabilities of the person from whom such employment is sought, or who shall loan or promise to give, loan or otherwise grant money or other valuable thing to the person from whom such employment is sought before such employment in order to induce such employment whether the same shall be done directly by him or through another, shall be deemed guilty of barratry, and shall upon conviction be punished by fine in any sum not to exceed five hundred dollars, and may in addition thereto be imprisoned in the county jail not exceeding three months. The term attorney at law shall include counselor at law; and any attorney at law violating any of the provisions of this act, shall in addition to the penalty hereinbefore provided, forfeit his right to practice law in this State, and shall be subject to have his license revoked and be disbarred in the manner provided by law for dishonorable conduct or malpractice, whether he has been convicted for violating this act or not.

SEC. 2. The near approach of the end of the session and the large number of bills to be considered by the Legislature, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is so suspended and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 26, nays 0; and passed the House of Representatives by two-thirds vote, yeas 103, nays 0.]

Approved April 10, 1901.

Became a law April 10, 1901.

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## FIFTY-FOURTH JUDICIAL DISTRICT—TIMES OF HOLDING COURT.

S. B. No. 157.]

CHAPTER LVIII.

An Act to change and fix the times for holding the courts in the Fifty-fourth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict therewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Fifty-fourth Judicial District of the State of Texas shall be composed of the following counties, towit: Falls and McLennan, and the terms of the district court therein shall be held each

year as follows: In the county of Falls on the second Monday in January and may continue in session seven weeks, and the first Monday in July and may continue in session eight weeks.

In the county of McLennan, on the first Monday in March and third Monday in September, and may continue in session until the business is disposed of.

SEC. 2. That process issued or served before this act goes into effect returnable to the district courts in said judicial district shall be considered returnable to said courts in accordance with the terms as prescribed by this act, and all such process is hereby legalized; in all grand and petit jurors drawn and selected in either of the counties of said judicial districts shall be considered lawfully drawn and selected for the next term of the district court of their respective counties held after this act takes effect, and all such process is hereby legalized and validated.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this act be and are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

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### DISTRICT ATTORNEY—PROVIDING FOR ELECTION IN FIFTY-FIRST DISTRICT.

S. B. No. 288.]

#### CHAPTER LIX.

An Act to amend Article 276, Title XII, Chapter 1, of the Revised Statutes of 1895, so as to include the Fifty-first District in the list of those which elect a district attorney.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 276, Title XII, Chapter 1, of the Revised Statutes of 1895, be so amended so as to hereafter read as follows: Article 276 (242). The following judicial districts in the State shall each respectively elect a district attorney, viz: First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Twelfth, Thirteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Forty-sixth, Forty-seventh, Fiftieth and Fifty-first, also the Twenty-sixth and Fifty-third districts combined, and the criminal district composed of Galveston and Harris counties.

The near approach of the end of the present session and the crowded condition of the calendar creates an emergency and an imperative necessity that the rule requiring bills to be read on three several days be suspended and the rule is hereby suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given, and was reported to the House of Representatives,

where same was amended and passed, no vote given; Senate concurred in House amendments by two-thirds vote, yeas 24, nays 0.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

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### THIRTY-SIXTH JUDICIAL DISTRICT—TIME OF HOLDING COURT.

S. B. No. 231.]

#### CHAPTER LX.

An Act to prescribe the time of holding the terms of the district court in the Thirty-sixth Judicial District of the State of Texas and in the Thirty-eighth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the following counties shall compose the Thirty-sixth Judicial District, towit: Dimmit, LaSalle, Atascosa, McMullen, Live Oak, Aransas, San Patricio and Frio, and the terms of holding court therein shall be as follows:

In the county of Dimmit on the second Monday after the third Monday in August, and second Monday after the first Monday in February, and may continue in session one week.

In the county of LaSalle on the third Monday after the third Monday in August and the third Monday after the first Monday in February, and may continue in session two weeks.

In the county of McMullen on the fifth Monday after the third Monday in August, and the fifth Monday after the first Monday in February, and may continue in session one week.

In the county of Atascosa, on the sixth Monday after the third Monday in August and sixth Monday after the first Monday in February, and may continue in session three weeks.

In the county of Live Oak on the ninth Monday after the third Monday in August, and ninth Monday after the first Monday in February, and may continue in session two weeks.

In the county of Aransas on the eleventh Monday after the third Monday in August and eleventh Monday after the first Monday in February, and may continue in session two weeks.

In the county of San Patricio on the thirteenth Monday after the third Monday in August and the thirteenth Monday after the first Monday in February, and may continue in session two weeks.

In the county of Frio on the fifteenth Monday after the third Monday in August, and the fifteenth Monday after the first Monday in February, and may continue in session until the business is disposed of.

SEC. 2. The following counties shall compose the Thirty-eighth Judicial District, towit: Bandera, Kendall, Kerr, Medina, Edwards, Zavala and Uvalde, and the times of holding the district courts therein shall be as follows:

In the county of Bandera on the first Mondays in March and September, and may continue in session two weeks.

In the county of Kendall on the second Mondays after the first Mondays in March and September and may continue in session two weeks.

In the county of Kerr on the fourth Mondays after the first Mondays in March and September and may continue in session three weeks.

In the county of Medina on the seventh Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Edwards on the eleventh Mondays after the first Mondays in March and September and may continue in session two weeks.

In the county of Zavala on the thirteenth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Uvalde on the fifteenth Mondays after the first Mondays in March and September and may continue in session until the business in said county is disposed of.

SEC. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. All writs, process and bonds issued or executed prior to the taking effect of this act and returnable to the former terms of said courts as fixed by law in the several counties composing said districts are hereby made returnable to the terms of said courts as fixed by this act; and all process heretofore returned, as well as all bonds and recognizances heretofore entered into any of said courts, shall be as valid as if no change had been made in the time of holding said courts.

SEC. 5. The near approach of the close of this session of the Legislature and the crowded condition of the calendar creates an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days in each branch of the Legislature and therefore said rule is hereby suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given, and was reported to the House of Representatives, where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

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## FORTY-FIRST JUDICIAL DISTRICT—REORGANIZATION.

S. B. No. 237.]

### CHAPTER LXI.

An Act to reorganize the Forty-first Judicial District of Texas; to prescribe the time of holding the district court therein; to make the terms of the Thirty-fourth Judicial District in El Paso county to conform thereto; to provide for a district attorney for the Forty-first in said El Paso county and to provide for a clerk of the district court of the Forty-first Judicial District in said El Paso county and empowering the district court of the Thirty-fourth Judicial District to empanel the grand jury for said county and giving authority to the judges of either of said two courts in said El Paso county to transfer causes from their respective courts to the other of said courts; and to repeal all laws and parts of laws in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The Forty-first Judicial District of the State of Texas,  
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shall be composed of the counties of Jeff Davis, Brewster, Pecos, Val Verde, Kinney, Maverick and El Paso, and the terms of the district courts shall be held in said counties as follows:

Beginning in the county of Jeff Davis on the first Mondays of March and September and continue in session one week.

In the county of Brewster on the first Mondays after the first Mondays in March and September, and continue in session two weeks.

In the county of Pecos on the third Mondays after the first Mondays in March and September and continue in session two weeks.

In the county of Val Verde on the fifth Mondays after the first Mondays in March and September and continue in session two weeks.

In the county of Kinney on the seventh Mondays after the first Mondays in March and September and continue in session two weeks.

In the county of Maverick on the ninth Mondays after the first Mondays in March and September and continue in session two weeks.

In the county of El Paso on the eleventh Mondays after the first Mondays in March and September and continue in session until the last Saturdays in February and June unless the business in said court in said county be sooner disposed of.

The district courts of the Thirty-fourth and Forty-first Judicial Districts aforesaid in El Paso county, shall have concurrent jurisdiction with each other through the limits of said county of El Paso of all matters, civil or criminal, of which jurisdiction is given by the district courts, by the Constitution and laws of the State; provided, that the judge of the Forty-first Judicial District shall never empanel a grand jury in said courts; but may at any time reconvene the grand jury empaneled by the judge of the Thirty-fourth Judicial District when in his judgment a necessity therefor exists; provided further, that the district attorney of the Thirty-fourth Judicial District, shall do and perform all the duties pertaining to said office of district attorney for both of said district courts in and for said El Paso county.

The clerk of the district court of El Paso county as heretofore constituted and his successors in office, shall be the clerk of both said district courts in said El Paso county, and shall perform all the duties pertaining to the office of both district courts.

Either of the judges in said district courts in said El Paso county may in their discretion, either in term time or vacation transfer any cause or causes, civil or criminal that may at any time be pending in his court to the other district court in said El Paso county by order or orders entered upon the minutes of said court and when such transfer or transfers are made, the clerk of said courts shall enter such cause or causes upon the docket of the court to which such transfer or transfers are made, and when so entered upon the docket the judge of said court shall try and dispose of said cause in the same manner as if said cause was originally filed in said court.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That all process, writs and bonds issued or executed prior to the taking effect of this act and returnable to the terms of said court as now fixed by law in the several counties composing said district, are hereby made returnable to the terms of said courts as fixed in this act: and all process heretofore returned, as well as all bonds and recogniz-

ances heretofore entered into any of the courts, shall be as valid as if no change had been made in the time of holding said courts.

SEC. 4. The near approach of the close of this session of the Legislature and the crowded condition of the calendars, and the great necessity for the passage of this law in order that the crowded condition of the dockets of said courts in El Paso county may be relieved, created an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days in each branch of the Legislature, and a great public necessity exists and the emergency requires that this bill take effect from and after its passage; said rule is therefore suspended, and this act shall be in force and effect from and after the passage thereof, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

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## TWENTY-FOURTH JUDICIAL DISTRICT—TIME OF HOLDING COURT.

S. B. No. 213.]

### CHAPTER LXII.

An Act to prescribe the time of holding the terms of the district court in the Twenty-fourth Judicial District of Texas, and to regulate the issuance of process in said district.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the terms of the district court of the 24th Judicial District of Texas shall hereafter be held in the several counties therein as follows, viz.:

In the county of Bee on the second Monday in February and the first Monday in September and may continue in session three weeks.

In the county of Karnes on the third Monday after the second Monday in February and the first Monday in September, and may continue in session three weeks.

In the county of Goliad, on the sixth Monday after the second Monday in February and the first Monday in September, and may continue in session three weeks.

In the county of Refugio, on the ninth Monday after the second Monday in February and the first Monday in September, and may continue in session one week.

In the county of Calhoun, on the tenth Monday after the second Monday in February and first Monday in September, and may continue in session one week.

In the county of Victoria, on the eleventh Monday after the second Monday in February and the first Monday in September and may continue in session four weeks.

In the county of DeWitt on the fifteenth Monday after the second

Monday in February, and after passage of this act, the winter term of the district court for said DeWitt county shall begin on the first Monday in January of each year, and each session of the district court for said county of DeWitt may continue in session until the business is disposed of.

SEC. 2. That all process and writs issued or served before this act goes into effect, returnable to the district courts in said judicial district, shall be considered returnable to said courts in accordance with the terms as prescribed by this act, and all such process is hereby legalized; and all grand and petit juries drawn and selected under the existing laws in any of the counties of said judicial district shall be considered lawfully drawn and selected for the next terms of the district court held in said counties, respectively, after this act takes effect, and all such process is hereby legalized and validated.

SEC. 3. The importance of the passage of this act to the people of the various counties of the said judicial district, the crowded condition of the calendar of each house, and the near approach of the close of the present session of the Legislature, creates an imperative public necessity and emergency requiring that the constitutional rule that bills be read on three several days in each house be suspended, and the said rule is therefore suspended, and this bill is put upon its third reading and final passage, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 0; and passed the House of Representatives, vote not given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

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## FORTIETH JUDICIAL DISTRICT—TIMES OF HOLDING COURT.

H. B. No. 184.

### CHAPTER LXIII.

An Act to change and prescribe the time for holding district courts in the Fortieth Judicial District of this State; to conform all writs and processes from such courts to such changes, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Fortieth Judicial District shall be composed of the counties of Kaufman, Collin, Rockwall and Ellis, and the terms of the district court within and for said counties shall be held each year, as follows:

Beginning in Kaufman county on the first Monday in February, and lasting six weeks; beginning in Collin county on the sixth Monday after the first Monday in February and lasting seven weeks; beginning in Rockwall county on the thirteenth Monday after the first Monday in February, and lasting two weeks; beginning in Ellis county on the fifteenth Monday after the first Monday in February, and lasting eight weeks; beginning in Kaufman county on the third Monday in August, and lasting six weeks; beginning in Collin county on the sixth Monday



after the third Monday in August, and lasting seven weeks; beginning in Rockwall county on the thirteenth Monday after the third Monday in August, and lasting two weeks; and beginning in Ellis county, on the fifteenth Monday after the third Monday in August, and lasting nine weeks; provided, that said courts shall not remain in session longer than is necessary to dispose of pending business.

SEC. 2. That all writs, processes and bonds, civil and criminal, which may have heretofore issued or executed or which may be issued or executed up to the time when this act takes effect, by or from the district courts of the several counties named in this act, or under the order of said courts, and made returnable to the terms of said courts as they are now fixed by law, shall be returnable to the next ensuing term of said courts in each county as they are prescribed in this act; and all such writs, processes and bonds above mentioned are hereby legalized and validated to all intents and purposes as if the same had been returnable to the terms of said court as are herein prescribed; provided, that should this act go into effect while a term of the district court is being held in any county in said district, the business of such term shall not in any manner be prejudicially affected by this act, but such term may continue for the time mentioned in this act for the district court of such county, and all acts done, proceedings had, and judgments rendered during such terms, including the extended term thereof, are hereby legalized and validated to all intents and purposes as if this act had been in effect when such term began.

SEC. 3. That all laws and parts of laws heretofore enacted in conflict with this act are hereby repealed.

SEC. 4. The fact that the dockets of the district courts of Kaufman and Collin counties are crowded, and the terms of court for said counties as now fixed by law do not give sufficient time to try the same and the further fact that the district court of Collin county is now in session, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 106, nays 0; and passed the Senate by two-thirds vote, yeas 28, nays 0.]

Approved April 10, 1901.

Became a law April 10, 1901.

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TWENTY-SEVENTH JUDICIAL DISTRICT, THIRTY-THIRD  
JUDICIAL DISTRICT, THIRTY-FIFTH JUDICIAL  
DISTRICT—TIME OF HOLDING COURTS.

S. B. No. 144.]

CHAPTER LXIV.

An Act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts; to name the counties composing the same; to fix the terms of holding courts therein; to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict therewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Twenty-seventh Judicial District of this State

shall be composed of the following counties, towit: Lampasas and Bell, and the terms of court shall be holden therein each year as follows: In the county of Lampasas on the first Monday in April and October, and may continue in session four weeks. In the county of Bell on the first Monday in January, June and November, and may continue in session until the business is disposed of.

SEC. 2. The Thirty-third Judicial District shall be composed of the counties of Blanco, Gillespie, Mason, Kimble, San Saba, Burnet and Llano, and the terms of court shall be holden therein each year as follows:

In the county of Blanco on the first Monday in February and September and may continue in session two weeks.

In the county of Gillespie on the third Monday in February and September and may continue in session two weeks.

In the county of Mason on the fourth Monday after the first Monday in February and September and may continue in session three weeks.

In the county of Kimble on the seventh Monday after the first Monday in February and September and may continue in session two weeks.

In the county of San Saba on the ninth Monday after the first Monday in February and September and may continue in session three weeks.

In the county of Burnet on the twelfth Monday after the first Monday in February and September and may continue in session two weeks.

In the county of Llano on the fourteenth Monday after the first Monday in February and September, and may continue in session until the business is disposed of.

SEC. 3. The Thirty-fifth Judicial District of this State shall be composed of the following counties: Coleman, Runnels, Concho, Mills, McCulloch and Brown, and the district court shall be holden therein each year as follows:

In the county of Coleman on the first Monday in February and September and may continue in session four weeks.

In the county of Runnels on the fourth Monday after the first Monday in February and September and may continue in session four weeks.

In the county of Concho on the eighth Monday after the first Monday in February and September and may continue in session two weeks.

In the county of Mills on the tenth Monday after the first Monday in February and September and may continue in session three weeks.

In the county of McCulloch on the thirteenth Monday after the first Monday in February and September and may continue in session two weeks.

In the county of Brown on the fifteenth Monday after the first Monday in February and September and may continue in session until the business is disposed of.

SEC. 4. That all process issued or served before this act goes into effect, returnable to the district courts in said judicial districts, shall be returnable to said courts as fixed by the terms of this act and said process is hereby legalized and validated and all grand and petit jurors selected and drawn under existing laws in any of the said courts of said judicial districts shall be considered lawfully drawn and selected for the next term of the district court of the respective counties, held after this act takes effect, and all appearance bonds and recognizances taken in and for said courts shall bind the parties there obligated to appear at the next term of such courts held under this act.

SEC. 5. That all laws and parts of laws in conflict with this act shall be, and the same are hereby repealed; provided, however, that in the event any term of the district courts in any of the counties herein affected be in session when this act takes effect, same shall in no manner affect said term of court, but same shall continue in session under the old law for said term, and this act shall only affect subsequent terms of court in said county.

SEC. 6. The fact that many causes docketed in the district court of Bell county cannot be reached for trial for want of sufficient time and that a change in the composition in said districts is necessary to provide sufficient time, creates an imperative public necessity and emergency justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 1; and reported to the House of Representatives, where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

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## LIBERTY COUNTY—ROAD SYSTEM.

H. B. No. 312.]

### CHAPTER LXV.

An Act to authorize and create a more efficient system of public roads and bridges for Liberty county; for the issuance of bonds for said county, for the purpose of constructing permanent public roads; to authorize the investment of the public school fund of the State and of said county in such bonds; to provide for and limit the expenditure of moneys arising from the sale of such bonds; to prescribe and define the powers and duties of the commissioners court in reference thereto, and to validate public roads heretofore laid out and established in said county.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all roads heretofore laid out or used as public roads in Liberty county, Texas, upon which overseers have been appointed, or to which hands have been assigned, be and the same are hereby declared to be public roads within the meaning of the General Laws governing the same, and the location and laying out of the same is hereby validated.

SEC. 2. The county commissioners court of Liberty county, may, as hereinafter provided, build or construct, or cause to be built or constructed, in said county, lasting or permanent county roads and bridges of some permanent or durable material selected and agreed upon by said commissioners court, may also construct drains or ditches to carry off the water from such road or roads and from lands adjacent thereto, whenever and wherever the same can be done without conflicting with the rights of private property owners, and may take or condemn any lands necessary for the purpose of constructing roads under its general powers of eminent domain.

SEC. 3. Whenever the commissioners court of said county shall deem

it necessary or expedient to build or construct any public roads and bridges of the character herein provided for, they shall pass a resolution, which may be done at any regular or special meeting of said court, setting forth that it is the sense of said court that public roads and bridges of a lasting and permanent nature should be constructed or built in said county, and that the county shall issue its bonds to raise money for that purpose. Said resolution shall be submitted to a vote of the property owners of said county, at any regular or special election, which may be ordered by the commissioners court for that purpose; if at said election a majority of the votes cast shall be for said resolution the same shall be adopted, but if a majority of the votes cast shall be against said resolution it shall be rejected. Such election shall be governed in all respects by the laws governing elections in this State, and the returns shall be made and canvassed in the same manner, and the result declared by the county judge, which proclamation shall be posted in at least three public places in said county, and at the option of the commissioners court published in some newspaper in said county.

SEC. 4. No person shall be permitted to vote at any election as provided for in Section 3 of this act, unless he is a property owner and taxpayer in said county of Liberty; and unless he is otherwise a qualified voter of said county. Those desiring to vote for said resolution shall have written or printed on their ticket the words, "For the resolution to issue bonds to build permanent county roads and bridges," and those desiring to vote against the resolution shall have written or printed on their ticket the words, "Against the resolution to issue bonds to build permanent county roads and bridges." Such tickets shall be written or printed on plain white paper with black ink, and shall contain no distinguishing marks or device, except the words above set out, and if printed shall be in type of uniform size and face.

SEC. 5. If at the election herein provided for, a majority of the qualified voters at such election shall vote in favor of the resolution provided for in Section 3 of this act, and after the commissioners court has canvassed the said vote, and declared the result, and after the proclamation of the county judge declaring the result, has been posted for at least thirty days, it shall be the duty of the commissioners court to prepare and execute the bonds of the county for such sum as may be deemed advisable by said commissioners court; said bonds to bear not exceeding five per cent. interest, payable annually, and which shall be redeemable in not less than ten years, and not more than forty years from date thereof, the maturity to be expressed on the face of said bonds, and the same shall not be sold or negotiated for less than their face or par value; provided, that in no case shall said county issue bonds under this act for a greater sum than a levy of fifteen cents on the one hundred dollars valuation of such county, as will yield sufficient revenue to pay the interest as it accrues, and at the same time create a sinking fund sufficient to pay the principal at maturity; provided further, that the issuance of all bonds under this act shall in all respects conform to the General Laws of this State in regard to the issuance of bonds by counties, cities and towns, and especially in conformity with and under the provisions of Articles 918d, 918e and 918f, Revised Statutes of 1895.

SEC. 6. When the bonds of the county are issued and sold under the provisions of this act it shall be the duty of the county commissioners

court of said county to levy an annual ad valorem tax on all property in the county subject to taxation, which tax when collected shall be used only for the purpose of paying the interest on the county road and bridge bonds, and create a sinking fund to pay the principal of same; and after the adoption of the resolution herein provided for, it shall be unlawful for the county commissioners court to transfer any fund from the road and bridge fund to any other fund of said county or to divert the funds arising from the sale of such bonds or any fund that may be diverted from the road and bridge tax of said county to any other purpose than the construction and maintenance of the county roads and bridges of said county.

Should the commissioners court of said county divert any funds contrary to the provisions of this act, they, and each member of said court so acting or voting, shall be deemed guilty of malfeasance in office, and on conviction shall be punished by a fine of two hundred dollars, and may be removed from office.

SEC. 7. Whenever there shall be or remain in the treasury of this State any moneys to the credit of the permanent school fund, uninvested, the State Board of Education is authorized and empowered to lend the same to said county, when it shall have complied with the foregoing provisions of this act, by purchasing at par the permanent road and bridge bonds of said county, when satisfactory evidence is presented to said board that all the provisions of this act, as well as all other laws, relating to the investment of the school fund of this State, have been complied with, the State Board of Education shall have the preference to purchase said permanent road and bridge bonds when there is sufficient permanent school funds in the treasury, and they are satisfied that all the requirements of the law in reference to the issuance of said bonds, as well as all other laws, relating to the investment of the school fund of this State, have been complied with. Should there not be sufficient money in the treasury to the credit of the permanent school funds to purchase the whole issue of such county road and bridge bonds, then the State Board of Education may purchase said bonds to the extent of the funds on hand, or the county commissioners court may, at its option, place said issue of bonds elsewhere as to them may seem best for the interest of the county; and in like manner the county permanent school fund may be invested in such bonds; and whenever said county shall have on hand permanent school funds uninvested, the said county shall have the preference to invest said funds in the road and bridge bonds of said county.

SEC. 8. The moneys arising from the sale of the bonds herein provided for shall not be used for any other purpose than the construction of durable and permanent county roads and bridges and the purchase of material therefor, and the county commissioners court or any county commissioner, or any other person who shall misapply or convert the same or any part thereof to any other purpose than the one named shall be deemed guilty of malfeasance in office and on conviction shall be punished as hereinbefore provided for that offense.

SEC. 9. All roads and bridges built under the provisions of this act, shall be laid out and constructed under the supervision of the county commissioners court and a competent civil engineer, the county surveyor or other competent person to be employed by the court for that purpose.

SEC. 10. That each member of the commissioners court of Liberty county shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners court shall have charge of all teams, tools and machinery belonging to the county, and placed in their hands by said court; and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making and changing of roads and building of bridges. Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the commissioners court; and that they will account for all money or other property belonging to the county that may come into their possession; provided, that with the consent of the commissioners court, any one of the commissioners shall be allowed to appoint any competent person as a deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation when a deputy road commissioner has been appointed.

SEC. 11. The commissioners court of said county shall have full authority, and it shall be their duty, to adopt such system for laying out, constructing, working, draining, and repairing the public roads in said county as they may deem best, and from time to time may change its plans or system of working. Said commissioners court shall have power to purchase teams, tools and machinery as may be necessary for the construction or working of said roads. Said court shall have power to construct, grade, or otherwise improve any road or bridge by contract. In such case said court, or the county judge, may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but the said court shall have the right to reject any and all bids. At the time of making such contract the court shall direct the county treasurer to pass the amount to the particular fund for that purpose, and the treasurer shall keep a separate account of such funds, and the same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said court shall have the authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 12. In all cases where the cost of material and labor exceeds two hundred dollars, it shall be the duty of said court to construct, grade or otherwise improve any road or bridge by contract; the same to be advertised for as provided for by said commissioners court.

SEC. 13. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said

overseer so far as he has been supplied therewith by the commissioners court, taking the receipt of said road overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer; and any commissioner or overseer who shall have been intrusted with any tools, teams, or machinery belonging to said county, shall be liable for any damage that may occur to the same while in his possession. It shall be the duty of the road overseer when he has finished work on his road to return to said commissioner all teams, tools and machinery received from him, and to take up the receipt given therefor.

SEC. 14. It shall be the duty of the county commissioner to inform himself of the condition of the public roads in his district, and shall determine what character of work shall be done on said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 15. The commissioner may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no hand shall be required to work exceeding five days in any one year, unless the term of service prescribed by General Law shall be extended beyond that time; and provided, that all road hands in a particular district shall, as far as practicable be worked a uniform time. Each road overseer shall have full control of all road hands within his road district, and he shall see that each road hand, when called out, shall perform a good day's work, and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and fifty cents per day for the time so served.

SEC. 16. Any citizen of Liberty county liable for road duty, who shall on or before the first day of January of any year, pay to the county treasurer the sum of five dollars, shall be exempt from road duty, for such year beginning on the first day of January. The treasurer shall receive and receipt for all moneys so paid him, and place the same to the credit of the road and bridge fund and he shall keep a separate account for each road district from which it is received. The treasurer shall on the third day of January, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 17. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, or draining any road or part thereof, if the owner of such land and the county commissioners court cannot agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for a right of way and the same proceedings may be had and the same right shall exist to each party as would exist if the proceedings were by a railroad company except that the county shall in no case be required to give bond.

SEC. 18. Each county commissioner when acting as road commis-

sioners shall be entitled to two dollars per day for services actually performed; provided, he shall not receive more than twenty-five dollars per quarter for such services, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days work actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner.

SEC. 19. Should the voters of Liberty county determine against the issuance of bonds as provided for in sections 3, 4, 5, and 6 of this act nothing herein contained shall be construed as in way or manner affecting the right of said county to levy the special road tax under the General Laws, and in the manner provided for in Articles 4786, 4787, 4788 and 4789 of the Revised Civil Statutes of 1895.

SEC. 20. This act shall be taken notice of by all the courts in the same manner as the General Laws of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges, when not in conflict therewith.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on the 6th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

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## PANOLA COUNTY—LLANO COUNTY—ROAD SYSTEM.

H. B. No. 313.]

### CHAPTER LXVI.

An Act to create a more efficient road system for Panola and Llano counties, Texas, and making the county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the roads of said counties, and providing for the working of insolvent poll taxpayers upon the roads of said counties, and to provide for the summoning of teams for road work, and for allowance of time for road service for same, and fixing penalties for violations of this act, and to repeal all laws in conflict with this act as to Panola and Llano counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners courts of Panola and Llano counties shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners court, shall have charge of all teams, tools and machinery belonging to the county, and placed in their hands by said county, and it shall be their duty, under



such rules and regulations as the commissioners court may prescribe to superintend the laying out of new roads, the making or changing of roads, and the building of bridges.

Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond for one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners court, and that he will account for all moneys or property belonging to the county that may come into his possession.

SEC. 2. The commissioners courts of said counties shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out and draining and repairing the public roads of said counties as they may deem best, and from time to time said counties may change their plans or systems of working. Said commissioners court shall have full power to purchase or hire such teams, tools and machinery as may be necessary for the working of its roads; the said court shall have the power to construct, grade or improve any road or bridge by contract. In such case said court or county judge of said county may advertise, in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the use of the said road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids. At the time of making such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds, and the same shall not be used for any other purpose, and can only be paid out upon the order of said court, and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners courts of said counties may require all county convicts to labor on the public roads, under such regulations as they may prescribe, and such convicts so worked shall receive a compensation of fifty cents on his fine first, and then on the costs, for each day he may work. The commissioners court may provide such reasonable regulations and punishment as may be necessary to require such convicts to perform good work; and may provide a reward, not to exceed ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or other person in charge of the convict at the time of his escape. Said reward, when offered and paid, shall be taxed against said convict, with all other actual costs for recapturing and returning said convict, and said convict shall be required to pay said reward and other costs in recapturing and returning said convict. The commissioners court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior, in no case to exceed one-tenth of the time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine and medical attention, and guards for the safe and humane keeping of convicts.

SEC. 4. Every insolvent poll taxpayer of Panola and Llano counties, who shall fail or refuse to pay his poll tax, and if such tax cannot be otherwise collected by law, shall be compelled to pay such tax by working on the public county roads of such county for three days. In order to enforce the provisions of this section the tax collector of the county shall furnish to the several road commissioners of the county the names of the defaulting taxpayers of the county, on or before the first day of March of each year, giving the place of residence of such defaulting taxpayer together with the amount due and unpaid by him. It shall be the duty of the road overseer when any defaulting poll taxpayer shall have discharged and paid the same, as herein provided, to report the same back to the tax collector, who shall credit the party on the tax roll for the amount paid; and said overseer shall also report the same in his regular report to the commissioners court.

The persons required to do road duty under the provisions of this article shall be subject to prosecution for failure to so work, and subject to the same liabilities and punishment provided by the criminal laws of the State for other cases for failure to appear and do good work when summoned so to do. And when they are convicted for so failing to work the roads they shall satisfy the fine and costs as in other convictions of misdemeanor.

But any person summoned to work on the road under the provisions of this article may satisfy said summons and be relieved from said duty by paying to the road overseer, road commissioners or county treasurer the sum of three dollars, all of which shall go to the road and bridge fund.

This article shall apply as well to the delinquent poll taxpayers in incorporated cities and towns as to those outside of said cities and towns.

SEC. 5. Any citizen of said counties liable for road duty, who shall on or before the first day of February of any year, pay to the county treasurer, the commissioner of his precinct, or the road overseer, in case the road overseer is authorized to receive the same, of his road district, the sum of four dollars shall be exempt from road duty for such year, beginning on the first day of February; and any person so liable to road duty may at any time before he has worked out the full five days as required, pay to the county treasurer, the commissioner of his precinct, or to the road overseer of his district, the sum of seventy-five cents for each day of the remaining time for which he may be still liable to road duty, and by so doing shall be exempt from road duty for such year.

The treasurer or the road overseer to whom the money may be so paid shall receive the same and receipt for it, and when any money shall be so paid to any road overseer it shall be by him promptly paid to the county treasurer, who shall also receive and receipt for all the money so paid to him by such road overseer, and when the treasurer may receive any money under the provisions of this section he shall place the same to the credit of the road and bridge fund, and he shall keep a separate account for each road district from which it is received; and the county treasurer shall, as soon after each payment hereunder as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 6. Each county commissioner shall have control of all road overseers in his district and shall deliver to each of them so far as he has been supplied by the commissioners court, all teams, tools and machinery

necessary in working the roads in the district of said overseer, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been intrusted with any teams, tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession caused by negligence or want of due care of same, and shall not use or permit the same to be used for private purposes. It shall be the duty of the road overseer, when he has finished work on his road to return to said commissioner all tools, teams and machinery received from him and take up the receipt given therefor.

SEC. 7. It shall be the duty of the commissioners when acting as road commissioners to inform themselves of the condition of the public roads in their district, and they shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all overseers in their district.

SEC. 8. The commissioners court may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or three days with himself and team, unless the term of service as prescribed by the General Laws shall be extended beyond that time; provided, that all road hands in a particular district shall as far as practicable be worked a uniform time.

Each road overseer, or in case of his absence any person deputized by him, shall have full control of all road hands within his district, and see that each hand when called out shall perform a good day's work of not less than eight hours, and if any hand when so called out shall fail or refuse to do a good day's work of not less than eight hours, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

The commissioners court may allow any overseer, who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar per day for the time so served.

SEC. 9. Every person liable to work on the public roads in Panola and Llano counties who shall pay to his road overseer at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work, shall be exempt from work for each day paid for.

SEC. 10. Each person summoned to work on the road shall take with him an ax, hoe, pick, shovel, spade, plow, scraper, or such other tool as may be desired and directed by the overseer; or if he has no such tools as are desired or directed by the overseer, to take with him, he shall take such other suitable tools as he may have; provided, the county shall be liable for and the commissioners court, under such regulations as they may prescribe, shall pay for all such breakage or damage to tools, as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for road work such team or teams as he may have on hand suitable for road work; provided, such

hand shall be allowed two and one-half days' time put in by hand and his team, and one and one-half days' time for such team without such hand.

SEC. 11. If any person liable to road work, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by an able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to the overseer such sum as one dollar per day for each day summoned to work, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not to exceed ten dollars.

SEC. 12. At the first regular term of the commissioners court of each year, all road overseers shall make their report under oath, upon the forms to be furnished them by said court, which said report shall be examined by said court, and all accounts for service or labor performed for over work by such overseer during the past year, and of moneys had and expended by him shall be audited and settled; as soon thereafter as practicable said commissioners court shall appoint and commission said overseer for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duties required of him by law or by the commissioners court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 13. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, changing or draining any road or any part thereof, if the owner of said land cannot agree with the court as to the damages to be paid, the court may proceed to condemn the same in the same manner that a railroad company can condemn land for a right of way, and the same proceedings may be had and the same rights shall exist to each party that would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 14. Each county commissioner, when acting as road commissioner, shall not be entitled to more than two dollars per day of eight hours actual service performed, provided that he shall not receive more than fifty dollars per quarter; said per diem to be paid out of the road and bridge fund, when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall make oath that the account is just, due and unpaid, and said account shall specify the number of days work actually performed by him, and the number of hours each day, and that the same was necessary to be done under the circumstances, and no commissioner shall be entitled to pay as road commissioner, while performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his roads.

SEC. 15. In all cases where the cost of material and labor exceed one hundred dollars, it shall be the duty of said court to construct, grade or otherwise improve any road or bridge by contract, the same to be advertised for as prescribed by said commissioners court.

SEC. 16. This act shall be taken notice of by all courts in the same manner as the General Laws of the State, and it shall be construed to be

cumulative of all General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict, this act shall control as to Panola and Llano counties.

SEC. 17. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 4th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## NACOGDOCHES COUNTY—ROAD SYSTEM.

H. B. No. 378.]

### CHAPTER LXVII.

An Act to create a more efficient road system for Nacogdoches county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for working of county convicts upon the public roads of said county, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict; and providing the amount of compensation to be allowed to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers residing in cities and towns as well as in the country on the roads, and relieving them from the performance of said work by the payment of the sum of four dollars; providing for the ages of male persons liable to serve as overseers, and to work on the public roads of the county; providing for a special road and bridge tax to be levied for Nacogdoches county; and providing further, making this law cumulative of the General Laws, and in case of a conflict this act to govern as to Nacogdoches county, Texas, and to repeal special road law, Chapter 82, Acts of 1899, Twenty-sixth Legislature, as to Nacogdoches county, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Nacogdoches county shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court, shall have charge of all the teams, tools, machinery and appliances belonging to the county, and placed in their hands by the said court; and it shall be their duty, under such rules and regulations as the commissioners court shall prescribe, to superintend the laying out of new roads, or changing of established roads, and the building or repairing of bridges, the working, laying out, drain-

ing, building and repairing of public roads, the control over all road overseers, and such other matters pertaining to public roads and bridges in their respective precincts as the commissioners court may require.

SEC. 2. Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties payable to the county judge of said county and his successors in office, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law, or by the commissioners court, and that he will properly account for all money or property belonging to the county, and which may come into his possession.

SEC. 3. It shall be the duty of the road commissioner to inform himself of the condition of the public roads and bridges in his precinct, and he shall determine what character of work shall be done upon said roads or bridges, and shall direct the manner of grading, draining or otherwise improving the roads, or repairing bridges, which directions shall be observed and obeyed by all road overseers and employes of his precinct.

SEC. 4. Each road commissioner shall have control over all road overseers in his precinct, and shall deliver to each of them all teams, tools and machinery necessary in working the road in the said overseer's road district, so far as he has been supplied therewith by the commissioners court, taking the receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any team, tool or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession, caused by his negligence or misconduct.

SEC. 5. Each road commissioner shall take charge of all teams, machinery, tools and implements placed under his control by the commissioners court, and execute his receipt therefor, which shall be filed with the county clerk, and he shall be responsible for the safe keeping of all such teams, machinery, tools and implements, and the proper expenditure, and paying out of any money belonging to the road or bridge fund that may come into his hands by donation, or so far as he has been supplied therewith by the commissioners court, and upon the expiration of his term of office, or in case of his resignation or removal, he shall deliver all such property and money to his successor, or such other person as the commissioners court may direct.

SEC. 6. Each road commissioner shall see that all the roads and bridges in his precinct are kept in good repair and he may, under the direction of the commissioners court inaugurate and carry out a system of working, grading and draining the public roads in his precinct. He shall have the general supervision over all the county convicts worked on roads in his precinct, but this shall not prevent the commissioners court from employing some other person to watch and manage such convicts and direct the work to be done by them.

SEC. 7. Each road commissioner may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work, and require overseers to work all the road hands in their particular districts for the term of five days (nor more than ten days) in each year, and shall see that the overseers measure their roads,

set up mile posts, place proper index boards, and replace mile posts and index boards as required by law.

SEC. 8. Each road commissioner shall keep an accurate account of all moneys received by him on account of the road fund or bridge fund, and shall make a report under oath to the commissioners court at each regular term thereof, showing an itemized account of all money belonging to the road and bridge fund he has received, from whom or what source received, and what disposition he has made of the same; the condition of the roads, bridges and culverts in his precinct; what if any, new roads, and kind should be opened or discontinued and what, if any, bridges, culverts or other improvements are necessary to place the roads in his precinct in good condition, and the probable cost of such improvement; the name of every overseer who has failed to work the road or in any way neglected to perform his duty, and such other matters as the court may desire information upon, and shall make such other report at such times as such court may require.

SEC. 9. Each road commissioner shall obtain from the tax collector of his county, after the first day of February and before the first day of March, of each year, a full list of the delinquent poll taxpayers of his precinct for the previous year, and the persons in said list as delinquent poll taxpayers, shall be subject to road duty for the period of three days during such year, and they shall be summoned as in other cases, to work the road in the road district or precinct in which such person may reside; and the performance of the road service provided for in this article shall not exonerate the persons from any other road duty to which the person performing the same may be subject, but this shall be taken as cumulative; and all persons so appearing on said list, who are delinquent poll taxpayers, and reside in incorporated cities and towns in the county, shall also be subject to road duty for the period of three days during such year, and they shall be apportioned among the overseers in charge of roads leading out of such city or town in which they reside, as the road commissioner may deem best, to be summoned by such overseers as in other cases, to work the roads in the road precinct to which they are assigned.

It shall be the duty of the road overseer, whenever any defaulting poll taxpayer shall have discharged the poll tax by labor, to report the same to the road commissioner, who in turn reports the same to the commissioners court, to be credited to the party on the delinquent tax rolls returned by the tax collector to the court for the amount thus satisfied; said overseer shall report the same in his regular report to the commissioners court.

But any person delinquent for poll taxes summoned on the road under the provisions of this article, may satisfy said summons and be relieved from said duty by paying to the road commissioner the sum of three dollars, all of which shall go to the road fund to the credit of the commissioners precinct in which such person resides; and said road commissioner shall keep strict and accurate account of all such money received, report same to the commissioners court, and pay over the same promptly to the county treasurer, who shall credit same to the special road fund to be kept by him for such precinct.

If any person, liable under the law to work upon the public roads, shall wilfully fail or refuse to attend, either in person or by substitute, at the

time and place designated by the road overseer of his district or precinct, after being legally summoned, or shall fail, on or before the day for which he is summoned to attend, to pay such overseer the sum of one dollar per day for each day he may have been notified to work on the road, or having attended, shall fail to perform any duty required of him by law, and such overseer, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not exceeding ten dollars.

SEC. 10. Each road commissioner shall be entitled to two dollars per day for services actually performed, not to exceed seventy-five dollars in any one quarter, said per diem to be paid out of the road fund when the account shall have been approved by the commissioners court; and the court shall not approve said account unless the commissioner presenting it shall sign an affidavit to same, that the account is just, due and unpaid, and that the work was actually performed by him, and that it was necessary to be done; and said account shall specify the number of days work by him, and the dates thereof, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner and receiving pay therefor.

SEC. 11. The commissioners court of Nacogdoches county shall have full power and authority, and it shall be its duty to adopt such system for working, laying out and draining and repairing the public roads in said county as it may deem best, and from time to time said county may change its plan and system for working the same. The commissioners court of said county shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads, or to hire all necessary road machinery, tools, and implements, teams and labor, or either, to grade, drain, build or repair the roads of such county, and to make all reasonable and necessary rules, orders and regulations not in conflict with law for laying out, working and otherwise improving the public roads, and to utilize the labor and money expended thereon, and to enforce the same. But no change in any road shall be made that lengthens the same, unless same be made to place the road on better ground.

SEC. 12. The commissioners court of said county may make contracts for all supplies and materials to be used in feeding the hands and teams employed on the public roads and in the work of the same, and may provide the necessary tents for the same.

SEC. 13. The commissioners court or road commissioners may accept donations of money, lands, labor and men, teams, tools, implements or machinery, or any other kind of property or material to aid in building roads or bridges in the county or precincts, and the court may authorize any person to make to make a drain along any public road, for the purpose of draining his lands, and require the person draining his land to do such work under the direction of the road commissioner of the precinct.

SEC. 14. The commissioners court shall see that the road and the bridge funds of their county is judiciously and equitably expended on the roads and bridges of the county, and as nearly as the conditions and necessity of the roads will permit, it shall be expended in each justice's precinct in proportion to the amount collected in such precinct; and in expending money in building permanent roads the money shall first be used only on first and second class roads.



SEC. 15. The commissioners court of said county shall have power and authority to build or construct, or cause to be built or constructed, in the county, lasting or permanent county roads and bridges of some permanent or durable material, to be selected and agreed upon by said commissioners court, and may also construct drains or ditches to carry off the water from such road or roads, and from lands adjacent thereto, whenever and wherever same can be done, and may take and condemn any land or lands necessary for the purpose of constructing roads or drains, and it may authorize the road commissioners, overseer or contractor to enter upon and take from any land adjacent to any public road, earth, gravel, stone or other material necessary for the construction and repair, grading or improvement of such road or drains, under its general powers of eminent domain.

SEC. 16. Whenever the said court shall deem it necessary or expedient to build or construct permanent roads and bridges or either, they may order such roads and bridges to be surveyed and laid out and proper profiles and estimates thereof made by a competent civil engineer, the county surveyor, or other competent person, to be employed by the county for that purpose and constructed under the supervision of the road commissioner and a civil engineer or county surveyor or other competent person.

SEC. 17. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, grading, making embankments, filling or draining any road or part thereof, if the owner of such land, and the commissioners court cannot agree upon the damages to be paid, the county may proceed to condemn the same in the same manner that a railroad company, under the law now existing, and hereafter passed, may condemn land for right of way; and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the General Law relating to the opening of public roads by jury of view; this section shall be held to be cumulative thereof, and the commissioners court of Nacogdoches county may act under such general law or the provisions of this section at their option in such case.

SEC. 18. The commissioners court of said county may require all county convicts, not otherwise employed, to labor upon the public roads of such county, under such regulations as they may prescribe for the working of such convicts within the limits of said county, and each convict so worked shall receive a credit of fifty cents on his fine and costs for each day he may so labor. Such court may provide such reasonable regulations and punishments as may be necessary to require such convicts to labor; but no convict shall be required to labor on Sunday. Said court may provide such reasonable remedies necessary to prevent a convict from escaping, and may provide the necessary houses, prisons, provisions, clothing, bedding, food, medicines and medical attention for the convicts, and guards for the same keeping of the convicts; and may provide a reward, not to exceed ten dollars, to be paid out of the road fund, for the recapture and delivery of any escaped convict, to be paid to any person, other than the guard or person in charge of such convict at the time of his escape, which reward shall be added to said convict's fine and costs, and he be required to work out the same.

Said court shall, at a regular term, allow to the officers and witnesses so much of the amount of their costs for the arrest and conviction of said convicts due them, and adjudging against such convicts, as has been worked out at fifty cents per day, as is provided for in Article 3742, Revised Civil Statutes of 1895. The said amount shall be paid out of the road fund upon the order of the court, when said fine and costs have been worked out as provided in this section; provided, that this act shall not be construed so as to relieve any convict from payment of all costs for which he would be liable under the General Laws of this State.

SEC. 19. Whereas a special tax for the maintenance of the public roads is levied and collected, as provided for in Section 9, of Article 8, of the Constitution or otherwise, the commissioners court of said county shall not be compelled to require persons subject to road duty to work on the roads, as prescribed in existing General Laws, but said court may cause said roads, to be worked wholly by taxation, or by taxation in connection with road service, as such court may deem best. And the said court shall have authority to employ such labor as may be necessary to work the public roads of the county, to be paid for out of the road fund; such labor shall be under the control of the road commissioner of the precinct in which the road is located; provided, that no contract shall be made that will reasonably extend beyond the term of office of commissioners making the contract.

SEC. 20. The commissioners court of said county may, when deemed best, construct, grade, gravel, drain or otherwise improve any road or bridge by contract. In such case said court or the county judge may advertise, in such manner as said court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond in such amount as said court may determine, with good and sufficient sureties, payable to the county judge and his successors in office, for the faithful compliance with such contract; but said court shall have the right to reject any and all bids.

SEC. 21. Whenever the commissioners court of said county may deem best to build or construct, or cause to be built or constructed, lasting or permanent roads in the county, or grade, gravel or otherwise improve such road, by contract or otherwise, and they find it necessary to widen the road or to make as straight a road as is practicable, said court shall have power and may employ a competent surveyor, who shall be an engineer; to make a proper survey of such road or so much thereof as said court may deem necessary to be built, constructed or otherwise improved, together with the frontage of each tract of land abutting on said road.

SEC. 22. The surveyor shall as soon as practicable after his employment proceed to make as accurate survey and system of levels of the necessary grade line of said roads, and shall cause substantial stakes or monuments to be placed along said lines at intervals of one hundred feet, together with such intermediate stakes as may be necessary, numbered progressively, and shall establish permanent marks along said line at intervals of one mile or less, as may be necessary, and established by stakes or monuments of a different character and appearance from all other stakes and monuments, the highest point upon said road between natural water courses crossed by the road; and surveyor shall also measure and establish suitable marks the frontage of each tract of land abutting on said road, and ascertain and give the name of each owner thereof, and if

there be a natural waterway adjacent to the line of said road and the same is necessary to be utilized as an outlet to lead the water at any point from said road, and its ditches, the surveyor shall measure the distance to same, and run the line of levels thereto, at the nearest practicable point on such road and ditch. He shall prepare a map showing the location of said road, together with the position of stakes or monuments with numbers corresponding with those on the ground, and the position of marks, with the elevations referred to. Said map shall also show the lines and distance of frontage of adjacent land, and name of the owner, and the course and distance to any adjacent water course, together with a profile of the line of the road, which shall show the assumed datum the natural grade line of the road, and the proposed grade line of the road, not to rise or fall in lineal course more than fifteen inches to the sixteen and one-half feet; and the said map, or the explanation to the same shall in tabular form give the height of the grade, width at the bottom, and the width at the top and at each one hundred feet stake or monument upon the following bases of datum: For first class roads entire width to be 60 feet, grade 20 feet wide at bottom; second class roads to be 50 feet wide, grade 16 feet at bottom; third class road 30 feet wide, grade 15 feet wide at bottom. Said map or explanation to the same shall show the total number of yards to be excavated, and the number of yards to fill, and an estimate of the cost of each portion of the road lying between each five hundred feet stake or monument, together with an estimate of total cost of the whole work for said road, and proper drainage; and the surveyor shall, as soon as the survey is completed, prepare and file, together with his report and map as herein provided for, specifications in detail for the execution of the same, together with the statement of the locality of all necessary culverts for drainage, and the dimensions, and character of the material required therefor. The survey report, map, explanation, specifications, and estimates herein provided for shall be filed by the surveyor with the clerk of the commissioners court, as soon after his employment as may be practicable, having in view an accurate and complete report upon the physical conditions to be met with in the construction of said road or section thereof.

SEC. 23. At any regular, called or special session of the commissioners court, at the filing of the surveyor's report, map, explanation, specifications and estimate of the surveyor, provided for in this act, it shall appear to the court, from such a report that it be necessary to occupy any lands adjacent to the road surveyed for the purpose of opening, widening, straightening, grading and draining, or either, any such road or any part thereof, if the owner of such land and the county cannot agree upon the damages, if any, to be paid, the county may proceed to condemn the same as herein provided for in Section 17 of this act, or the court may appoint five freeholders of the county not interested directly in the construction of the proposed work as a land owner adjacent to or abutting on said road, and not of kin to any of the parties so directly interested therein, who shall constitute a jury of view, who shall meet at a time and place to be specified by said court in the order appointing them, and the clerk of the court shall, thereupon issue to each of said jury of view a copy of the order of the court and a precept to the sheriff to serve the same upon the jurors within ten days after such order was made, and the sheriff receiving such copies shall serve the same upon

the jurors by delivering to each of them in person a copy of the order provided for, or by leaving such copy at the usual place of abode of such juror within ten days after the sheriff receives said copies, and he shall make his return to the clerk on the precept stating the date and manner of service, or if service has not been made, stating the cause of his failure to make the same; and any juror, summoned as such, who shall fail or refuse to perform the services required of him by law as such juror, shall forfeit and pay for every such failure the sum of ten dollars to be recovered by judgment upon suit of the county attorney in the name of the county in any court of competent jurisdiction of the county in which such defaulter may reside.

SEC. 24. The jury of view shall proceed with the road commissioner of the precinct where the surveyed road is located, who shall take with him the original report, map, explanation, specifications and estimate of the surveyor for the use of the jury at the time and place specified in the order of the court appointing them, after notice has been given to each abutting land owner as hereinafter provided, and after having taken the following oath before any officer authorized to administer the same, to-wit. "I do solemnly swear that I am not directly interested in the construction of the proposed road, nor in any land abutting on the same, and that I will assess the damages to land owners if any there be, according to law, without bias or prejudice, malice or hatred to the best of my knowledge and ability, so help me God," and after viewing the road and abutting lands surveyed by the engineer, and after hearing all protests, claims, and remonstrances offered and presented, taking into consideration the relative amount of benefit derived by said land from the construction of such road, and they shall assess the amount of damages or compensation due to each land owner, if any, for the land to be taken necessary to be occupied, for the purpose of opening, widening, straightening, grading and draining, or either, any such road or any part thereof, or through whose land any lateral ditch or drain is or may be constructed under the order of appointment necessary to drain the road; which damage or compensation assessed, if any shall first be ordered to be paid by the county out of the road fund of the county, and the treasurer shall have paid the same, or secured its payment by a special deposit of the amount in his office, subject to the order of such owner and shall notify such owner by mail or otherwise of such deposit.

SEC. 25. The road commissioner shall issue a notice in writing to the land owner of each abutting tract of land along said road a part of whose land is sought to be taken for the road and to each land owner through whose land a ditch or drain for the road is sought to be made, or to his or their agent or attorney of the time and place where the jury shall assess the damages incidental to the taking of the land or construction of a ditch for the road, which notice shall be served by any person competent to testify, or through mail by registered letter, upon such owner, his agent or attorney at least five days before the day named therein. If such owner is a non-resident and his address is known, and has no agent or attorney in the county, the notice shall be given by registered letter through the mail ten days prior, and if his residence or address is unknown by publication for four weeks in a newspaper published in that county prior to the date named for the meeting of the jury of view. The cost of such registered mail notice and of such publication shall be

paid by the county, on an order of the court, and proper returns of said notice showing how same have been served, shall be filed with the report of the jury of view.

SEC. 26. Any person whose land may be affected by such road and its lateral drain ditches, if any, may at any time stated in such notice or previously thereto present to the jury a statement in writing of any objections to or dissatisfaction therewith, and any claim for damages which he may have sustained by reason of the taking of his land for road purposes, and the making of lateral drain ditches, and a failure to make such objections or claim for damages or compensation in writing as herein specified shall be deemed a waiver of all claim or right thereto, all of which objection or claim shall be returned to the commissioners court in connection with the report of the jury of view, provided, that any abutting land owner shall have the right also to appear before, and be heard by the commissioners court on his protest or remonstrance or claim against the action of the jury of view.

SEC. 27. The jury of view shall make a report to the commissioners court as soon as practicable after their meeting signed by at least three of said jury, and duly verified under oath, of their action and findings in the matter, and shall return with their report the name of each land owner, the number of acres and the amount of damages assessed or compensation awarded, for each land owner. The road commissioner shall carefully preserve from damage and duly return with the report of the jury of view, the map, profile, explanation, specifications and estimates of the surveyor, and all claims and objections presented by the land owners, and all notices and returns of services thereof on land owners, agents or attorneys, and the same shall be filed with the clerk of the commissioners court and shall become a public record and be preserved as such, and the court shall act upon such report at the next regular term, and approve or reject the same.

SEC. 28. If the commissioners court shall approve of the report of the jury and order that such road and lateral ditches, if any, to be opened, they shall consider the assessment and damages by the jury and claimant's statement thereof, and allow to such owner just damages or adequate compensation for the land taken, and when paid, or secured by deposit with the county treasurer to the credit of such land owner, they may proceed to have such road and lateral drain ditches, if any, opened and constructed, by contract or otherwise as they may deem best.

If the owner of the land is not satisfied with the assessment by the commissioners court, he may appeal therefrom as in cases of appeal from judgment of justices court, but such appeal shall not prevent the commissioners court from opening the road and drain ditches, if any, and improve the same, but shall be only to fix the amount of damages in controversy between the owner, and the county, and if a greater amount of damages is obtained on appeal; the county shall pay the excess and the costs, but if no greater damages are obtained the party taking the appeal shall pay all costs.

SEC. 29. The said jury of view shall each receive the sum of one dollar and fifty cents per day as compensation for their services for each day so actually engaged; and said surveyor and engineer shall receive as compensation such sum as may be allowed by the commissioners court, not to exceed five dollars per day.

SEC. 30. In all cases where the cost of material and labor exceeds the sum of two hundred dollars, it shall be the duty of said court to construct, grade, or gravel or otherwise improve any road, or bridge by contract, the same to be advertised for as provided by said commissioners court.

SEC. 31. At the regular or called term in November of each year and as soon as practicable, the commissioners court shall appoint overseers for each first, second and third class public road or for each road precinct in the county, and to remove the same at any regular or called term in the year when they prove inefficient or incapable upon the report of the road commissioner, and to appoint others in their places, and the court shall also apportion all the able-bodied male persons in the county, subject to road duty, to the several overseers, and the hands shall as nearly as practicable, be apportioned to work on the road or road precincts nearest to their place of abode giving roads of the first class the preference.

SEC. 32. The commissioners court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and twenty-five cents per day, when such service is performed by him upon a written order or recommendation of his road commissioner; and the court may allow to any owners, who have been warned by an overseer of a public road upon the written order of the road commissioner to bring any teams and wagons, plows, scrapers or any road implements, for service on the road, pay at the rate of \$1.50 per day for double team; \$2.00 per day for double team and wagon; and \$1.50 per day for single team, and wagon or cart.

SEC. 33. In order that the intent and provisions of this bill may be carried out, and in order to raise the funds, to meet the costs of this road system, the commissioners court of Nacogdoches county, are hereby ordered to assess and collect a tax on all property of the county not to exceed fifteen cents on the one hundred dollars of valuation, this tax to be known as a road and bridge tax, and it is to be applied only to the construction, grading, graveling, draining or otherwise improving any roads or bridges in the county, and for no other purpose, and it is understood that all other funds that are now used for road and bridge purposes, are to be continued as they are now used and the tax specified and authorized by this section is to be considered supplemental thereto, and in no case shall the tax contemplated, added to any other road or bridge tax, ever exceed the sum of fifteen cents on the one hundred dollars of taxable values in this county for road and bridge purposes.

SEC. 34. As this act contemplates a system of good roads for Nacogdoches county, which will necessarily take a number of years to complete, nothing in this act is to be construed to prevent the assessment and collection of road and bridge taxes not to exceed fifteen cents per the one hundred dollars of taxable values in this county, when an election for that purpose has been held according to law as provided for in Section 9, Article 8 of the Constitution, in said county.

#### ROAD OVERSEERS AND ROAD HANDS.

SEC. 35. All male persons between the ages of twenty-one and fifty years shall be liable, and it is hereby made their duty, when appointed

to serve as overseer and to work on, repair, clean out and perform such labor on the public roads, under the provisions of the General Law on roads and bridges of the State, and of this act, except invalids, ministers of the gospel, members of the companies of volunteer guards organized under provisions of the title "Militia" who shall be exempt, and no person shall be compelled to serve as overseer or to work on a road who has not been residing in the county in which he is summoned to work for the space of fifteen days immediately preceding such summons.

SEC. 36. All persons liable to road duty in the county of Nacogdoches shall be compelled to serve as overseer or to work on any public road or roads five days in each year, and not less than five days in each year; but no person shall be compelled to work outside of his road precinct.

SEC. 37. The term "road," as used in this act, includes roadbed, ditches, drains, bridges, culverts, and every part of such road, and the terms "work," and "working," include the opening and laying out of new roads, widening, constructing, draining, repairing, and everything else that may be done in and about any road.

SEC. 38. Any able-bodied male person residing in this county, and subject to road duty, may, by paying the sum of four dollars to the road commissioner of his precinct, who shall give his receipt for same, expressing that it is in lieu of road service for that year, and who exhibits such receipt to the overseer of the precinct, or to the person warning him, such receipt will be sufficient excuse when shown to the overseer or person warning him to work the road, the overseer making a note of such receipt, and returning same in his report to the commissioners court. No hand is to be excused from service on the road for a term of five days in each year for any temporary sickness or disability, but each one must work at least five days in each year, and in case of removal from one section to another of the county, the road overseer shall, upon request of such road hand, give him a certificate showing the number of days he has actually worked during the year, and such hand will be due the remainder of the time to the county, wherever he may reside in it, and he must be required to work his full time out, unless excused in accordance with this act.

SEC. 39. It shall be the duty of the hands, after being warned by a proper person, as now provided for under the General Laws of the State in regard to roads and bridges, to promptly appear at the place and at the time warned to appear and report to the overseer of the road, and to obey the orders of the overseer or road commissioner, and to proceed to work under their directions; and shall bring with him an ax, grubhoe, mattock, shovel, crowbar or such other tool as the overseer may direct, or such as he may have suitable for road work.

SEC. 40. Any road overseer, who shall have been entrusted with any teams, tools, implements or machinery belonging to the county necessary in working the road in his precinct, shall be liable for any damages that may occur to the same, while in his possession, caused by his negligence or want of care of same, and he shall not use or permit the same to be used for private purposes whatever, and it shall be his duty, when he has finished work on his road, to return to the road commissioner of his precinct, all teams, tools, implements or machinery received from him and take up the receipt given therefor.

SEC. 41. Every overseer of the said county shall cause the road or roads in his precinct to be worked at least five days in each year.

SEC. 42. Each overseer shall report in writing and under oath to the commissioners court of this county at the November regular term thereof in each year, giving the number of the hands and their names, and the names of the farms or places from which he got the hands in his precinct liable to work the roads, and the number of days he has caused his road to be worked; the condition of such road and bridges, culverts and drains; number of proper mile posts set up, all sign boards put up at forks or crossings of his road with others; the amount of funds received by him for his road; from whom received and for what purpose, and to whom and for what purpose paid out or expended; and the amount, if any, of funds that remain in his hands; and he shall pay over to the road commissioner any such funds which may remain in his hands, take receipt therefor and so state in his report; also what plows, scrapers, implements, machinery or other tools belonging to the county are in his possession and where they are located, and he shall make a like report to the road commissioner of his precinct on the first Monday in February, May, August and November of each year, and such other reports as such road commissioner may require from time to time, that are reasonable and necessary to subserve the interest of the county.

SEC. 43. This law shall be cumulative of all other General Laws on the subject of roads and bridges not in conflict herewith, and where not otherwise provided herein such General Laws to apply; but in case of conflict with other General Laws the provisions of this act shall govern so far as concerns Nacogdoches county, and an act passed at the Regular Session of the Twenty-sixth Legislature — day of —, 1899, Chapter 82, Acts 1899, providing a special road law for Nacogdoches county, is hereby repealed, and this act shall be taken notice of by all courts in the same manner as the General Laws of this State.

SEC. 44. The great necessity of this law, there being no law existing upon the subject that is sufficient to enable the people of this county to improve and construct the roads and bridges as they should be, creates a public necessity and emergency requiring that the rule that bills be read on three several days in each house be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk. Acting Secretary of State.]

Takes effect 90 days after adjournment.



## WISE COUNTY ROAD LAW—AMENDMENT.

H. B. No. 387.]

CHAPTER LXVIII.

An Act to amend and extend the special road law of Wise county, as enacted by the Twenty-fifth Legislature of the State of Texas, so that Sections 6, 12, 13 shall hereafter read as herein provided and that other sections be added as herein specified.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Sections 6, 12, 13 be amended as herein provided, and that other sections be added so as to read as follows:

Section 6. Every person liable to work on public roads of Wise county who shall pay to his road overseer at any time before the day appointed to work on his road the sum of one dollar for each day that he is summoned to work shall be excused from work for each day paid for; provided also, that any such person liable to work shall be released from such duty, if he shall pay to the county judge of his county or the commissioner of the precinct in which he resides, the sum of three dollars before the first day of February of the year in which he is subject to such duty, the same to go to the credit of the road and bridge fund of the county, and such person subject to road duty, who does not see fit to pay such road tax in advance as provided by this act, shall discharge such road service under the supervision of the road overseer of his district or under the supervision of any contractor employed by the commissioners court to construct or repair roads in the precinct of his residence; provided that when such labor is done under the supervision of such contractor, said contractor shall pay to the county the sum of seventy-five cents per day for the services of each of such persons. No person shall work out his road tax under the supervision of a contractor as aforesaid only upon the recommendation of the overseer of the road district in which he resides.

Section 12. The commissioners court of the county herein named is authorized and empowered to issue bonds of said county in addition to the bonds heretofore authorized by law, to be issued as follows: For the purpose of constructing and maintaining public roads and highways within said county; provided, that at no time the bonds so issued shall exceed the limit of the county indebtedness fixed by the Constitution; provided, further, that a proposition for the issuance of such bonds shall have been submitted to a vote of the qualified voters who are property taxpayers of said county and it is shown that a majority of such voters favor the issuance of such bonds. The commissioners court of said county shall have authority to levy a tax to the limit allowed by the Constitution for the purpose of creating a sinking fund and providing for the payment of interest on the bonds issued for the building and maintaining of the public roads within said county; provided, that if the commissioners court does not deem it necessary that bonds be issued for the purpose of building and maintaining of public roads as aforesaid and no election is demanded by the property taxpayers of the county for such purposes, and no tax levy is made for the payment of sinking fund and interest as provided for above, then the commissioners court shall have authority to levy an ad valorem tax to the limit allowed by the Constitution for the purpose of creating an additional available fund to be

used for the building and repairing of such roads as the court may direct; provided, that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose, shall vote such tax. When such tax shall have been voted it shall be unlawful for the county commissioners court to transfer any fund from the road and bridge fund to any other fund of said county, or to use such funds for any other purpose than the construction and maintenance of the roads and bridges of said county. Should the commissioners court of said county direct any funds contrary to the provisions of this act, they and each of such court so acting or voting shall be deemed guilty of malfeasance in office and on conviction shall be punished by a fine of two hundred dollars and may be removed from office.

Section 13. The commissioners court of the county herein named is hereby authorized if it deems proper, after a special tax shall have been levied as provided for in Section 12 of this act, at any regular term of said court to appoint one road superintendent, who shall be a competent civil engineer, at a salary not to exceed one thousand dollars per year, who shall have general supervision, under authority of said court, of all the public roads and highways of said county, and shall superintend the laying out of all new roads, the making, changing and repairing of same (except where otherwise contracted) the building of bridges; over all county convicts worked on such roads and bridges and perform such other duties as the commissioners court may direct. Any road superintendent upon his appointment shall make a good and sufficient bond payable to the county judge of the county for the benefit of the road and bridge fund, in such sum as the commissioners court may prescribe, said bond to be approved by the commissioners court, and which shall be conditioned that he will properly account for all property and money that may come into his hands as road overseer, and upon the approval of said bond by the commissioners court the county clerk shall issue to said overseer his commission.

Section 14. Every insolvent poll taxpayer of Wise county who shall fail or refuse to pay his poll tax and if such tax cannot otherwise be collected by law, shall be compelled to pay such tax by working on the public county roads of such county for three full days.

In order to enforce the provisions of this section, the tax collector of the county shall furnish the several road commissioners of the county the names of all defaulting poll taxpayers of the county, on or before the first day of March of each year, giving the place of residence of such defaulting taxpayer, together with the amount due and unpaid by him.

It shall be the duty of the road overseer, whenever any defaulting poll taxpayer shall have discharged and paid the same, as herein provided, to report the same back to the tax collector, who shall credit the party on the tax roll for the amount paid. Said overseer shall also report the same in his regular report to the commissioners court.

The persons required to do road duty under the provisions of this article shall be subject to prosecution for failure to so work, and subject to the same liabilities and punishments provided by the criminal laws of the State for other cases for failure to appear and do good work when summoned so to do.

And when they are convicted for so failing to work the roads they shall satisfy the fine and costs as in other convictions of misdemeanor.

But any person summoned to work on the road under the provisions of this article, may satisfy said summons and be relieved from said duty by paying to the road overseer, road commissioner or county treasurer the sum of three dollars, all of which shall go to the road and bridge fund.

This article shall apply as well to the delinquent poll taxpayers in incorporated cities and towns as to those outside of said cities and towns.

Section 15. This act shall be cumulative of all General Laws on this subject and be taken notice of by all courts in the same manner as the General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to Wise county, and all laws conflicting herewith are hereby repealed.

SEC. 2. The fact that a more efficient road law is needed creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, vote not given, and passed the Senate, vote not given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 3th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## RED RIVER COUNTY—ROAD SYSTEM—AMENDMENT.

H. B. No. 420.]

### CHAPTER LXIX.

An Act to amend Chapter 106 of the General Laws of the Twenty-sixth Legislature, State of Texas, at its Regular Session, amending Chapter 65 of an act passed by the Twenty-fifth Legislature, passed at its Regular Session, said chapter being, "An Act to create a more efficient road system for Red River county, Texas, making county commissioners ex-officio road commissioners and prescribing their duties as such, and to provide for their compensation as road commissioners; and defining the powers and duties of the commissioners court of said county; to provide for working of county convicts on public roads and regulating same, providing for officers' fees in convicting convicts and recapturing convicts; for summoning teams and tools for road work and compensating for same, and providing penalty for violation of this act, and to repeal all laws and parts of laws in conflict with this act."

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 106 of the General Laws of the Twenty-sixth Legislature, State of Texas, amending Chapter 65 passed by the Twenty-fifth Legislature, Regular Session, be so amended as to read as follows:

Section 1. That each member of the commissioners court of Red River county, shall be ex-officio road commissioner of his respective district and under the direction of the commissioners court, shall have

charge of all teams, tools and machinery belonging to or under the control of the county and placed in his hands by said court, and it shall be his duty, under such rules and regulations as the commissioners court may prescribe to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of said commissioners shall, before entering upon the duties of said office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners court, and that he will account for all money or property belonging to the county that may come into his possession; provided that with the consent of the commissioners court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section, and such deputy road commissioners shall be entitled to the same compensation that is allowed county commissioners for the same service, provided that county commissioners shall not be allowed any compensation as road commissioner when a deputy road commissioner has been appointed and during the service of said deputy.

Section 2. The commissioners court of said county shall have full power and authority and it shall be its duty to adopt such system for working, laying out, draining and repairing the public roads in such county as it may deem best, and from time to time may change its plan or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract. In such case said court or the county judge may advertise in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids. At the time of making any such contract, the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of said funds, and the same shall not be used for any other purpose and can only be paid out on the order of said court, and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

Section 3. The commissioners court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents a day on his fine first and then on the costs for each day he may labor. Such commissioners court may provide such regulations and punishments as may be necessary to cause such convicts to perform good labor. And may provide a reward not exceeding ten dollars to be paid out of the road and bridge fund, for the capture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape.

which reward shall be taxed against such convict and worked out or paid by him as part of the costs. The commissioners court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful services and good behavior in no case to exceed one-tenth of the whole time. The commissioners court may at a regular term make such provision for prisons, clothing, bedding, food, medicine and medical attention and guards for the safe keeping and humane treatment of convicts, said amounts to be paid out of the road and bridge fund. The commissioners court may, at a regular term, allow to the officers and witnesses such amount of their costs for the arrest and conviction of said convicts as it may deem just and equitable; provided, that it shall not allow to any officer any greater amount than the following: county judge, three dollars, county attorney, five dollars, including commissions, county and district clerks and justices of the peace two dollars, sheriffs or constables, five dollars, which amount shall be paid to the officers out of the road and bridge fund, on the warrant of the county judge when such fine and costs shall have been worked out as provided in this section; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he shall be liable under the General Laws of this State.

Section 4. Each county commissioner shall have control over all road overseers in his district; and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving the value, which receipt shall be a full answer of the liability of the commissioner and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damage to the same while in his possession, caused by his negligence or want of due care of the same, and shall not use or permit the same to be used for private purposes. It shall be the duty of the road overseer, when he has finished work on his roads, to return to said commissioner all teams, tools and machinery received from him, and take up the receipt given therefor.

Section 5. It shall be the duty of the county commissioner when acting as road commissioner to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all road overseers of his district, and guards working convicts in the same, and the provisions of this section shall extend to work done under contract, unless by special provisions in the contract, the road commissioner is relieved of the duties herein required.

Section 6. The commissioner may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team unless the term of service as prescribed by the General Laws of the State shall be extended beyond that time; and provided, that all road hands in any district shall as far as practicable be worked a uniform time. Each road overseer, or in his absence any one deputized by him, shall have full con-

trol of all road hands within his road district, and shall see that each hand, when he is called out performs a good day's work; if any hand when he is so called out shall fail or refuse to perform a good day's work or to work in the manner the overseer may direct, shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days in any one year a compensation not to exceed one and one-quarter dollars a day for the time so served; provided, that he shall make oath that the account is just and due.

Section 7. Any citizen of Red River county liable to road duty who shall on or before the February term of the commissioners court of each year, pay to the county treasurer the sum of four dollars shall be exempt from road duty for such year. The treasurer shall receive and receipt for all money so paid him, and shall place the same to the credit of the road and bridge fund, and shall keep a separate account for each district from which it is received. The treasurer shall on the first day of the February term of the commissioners court, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid the sum provided in this section.

Section 8. Every person liable to work on the roads by paying to his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day that he is summoned and one dollar and fifty cents for each day that he is summoned to furnish his team for road work shall be exempt from working or furnishing his team for each day paid and also exempt from any penalties for failure to work or furnish such team for the time for which he has so paid.

Section 9. Each person summoned to work on a road shall take with him an ax, pick, spade, plow, scraper or such tool as may be desired and directed by the overseer, or if he has no such tool as is desired and directed by the overseer to take with him, he shall take such suitable tool as he may have; provided, the county shall be liable for and the commissioners court under such regulations as they may prescribe shall pay for all breakage or damage to such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such road overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, that such hand shall be allowed two and one-half day's time for each day put in by a hand with his team and one and one-half days for his team without such hand.

Section 10. Each county commissioner when acting as road commissioner, and performing the duties imposed on him by law or by the commissioners court, shall be entitled to two dollars per day for the services actually performed, provided he shall not receive more than forty-five dollars per quarter, when the road and bridge tax has not been levied according to the law, under the amendment of 1889, as adopted in 1890, to the Constitution of the State of Texas, and when said tax shall have been levied he may receive an amount not to exceed ninety dollars per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just due and unpaid.

specifying the number of days, giving date of each day's work actually performed by him, and that it was necessary to be done, and no commissioner shall be entitled to pay as road commissioner, either for himself or his deputy, while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his roads or for any other road service.

Section 11. This act shall be cumulative of all General Laws on this subject and be taken notice of by all courts in the same manner as the General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to Red River county; and all laws conflicting herewith are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by two-thirds vote, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 5th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

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## CHEROKEE COUNTY—ROAD SYSTEM.

H. B. No. 516.]

CHAPTER LXX.

An Act to create a more efficient road system for Cherokee county, Texas, and making the county commissioners of said county ex-officio road commissioners; prescribing their duties, providing compensation for their services and requiring that they give bond, providing that the commissioners or overseers shall summon hands to bring teams, tools, etc., to perform work on the roads; providing compensation for overseers, teams, tools, etc.; providing for the working of county convicts on the public roads; fixing the compensation for such service; providing guards, board, lodging and medical aid for the same; giving rewards for the capture of escaped convicts; and giving commutation of sentence for faithful or meritorious service; requiring delinquent poll tax-payers to work out their poll tax on the public roads, and providing for a special road tax and requiring that no part of the road and bridge fund or of the special road tax created by this act shall ever be diverted to any other purpose, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Cherokee county shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court, shall have supervision over all roads in their respective precincts, and shall have charge of all teams, tools and machinery belonging to the county and which are used in working the public roads of the county. It shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the working of the roads, the laying out of new roads, the making or changing of roads, and the building of bridges.

Each of said commissioners shall, before entering upon the duties of

his office, in addition to his bond now required by law as county commissioner, be required to execute a bond in the sum of five hundred dollars, with two or more good and sufficient sureties, payable to the county judge and his successors in office for the benefit of the road and bridge fund of the county, conditioned that he will faithfully perform, as such road commissioner, all the duties required of him by law or by the commissioners court, and that he will account for all moneys or property belonging to the county that may come into his possession.

SEC. 2. The commissioners court of Cherokee county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining and repairing the public roads of said county as it may deem best, and from time to time said court may change its plans or system of working the public roads.

Said court shall have the power to construct, grade or otherwise improve any road or build or repair any bridge by contract. In case said court shall decide to have any work on public roads done by contract, or any bridge built or repaired by contract, the county judge shall advertise for bids in such manner as the court may direct, or as prescribed by the General Laws, stating the kind or character of work to be done, requiring that all bidders shall furnish plans and specifications in accordance with the conditions set forth in the advertisement of the county judge, and the court shall award the contract to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the benefit of the road and bridge fund, with two or more good and sufficient sureties, to be approved by said court, and in such sum as the court may determine for the faithful compliance with said contract; but said court shall have the right to reject any and all bids.

When any contract has been made for working the public roads or for building or repairing any bridge or bridges, the county treasurer shall pay the contractor, upon the completion of his contract, such sum of money as was specified in the contract; such account shall be approved by a majority of the commissioners court before payment by the county treasurer. Such account shall be paid out of the road and bridge fund of the county or out of such other funds as may come into the treasury, for the benefit of the road and bridge fund, or as may be provided for road purposes in some subsequent section of this act; and the county treasurer shall keep a correct account of all sums of money paid out by him for road and bridge work.

SEC. 3. The commissioners court of Cherokee county may require all the county convicts of said county to labor on the public roads, under such conditions and restrictions as it may deem proper. And in case the county convicts are worked on the public roads they shall be allowed such compensation as is now allowed under the General Laws of this State, Article 3742, Revised Civil Statutes of 1895, not to exceed fifty cents per day, to be applied first, to the payment of officers' costs, and second to the payment of fine.

Whenever the commissioners court shall decide to work the county convicts on the public roads they shall provide suitable and comfortable quarters and necessary medical aid, board, lodging, etc., for said convicts in each commissioners precinct where the said convicts are worked.

The said court shall furnish a guard or guards to look after the convicts, and to prevent their escape, and said guard or guards shall, in the



absence of the commissioner, act as road overseer, and shall have the convicts to perform such work on the roads as the commissioner of the precinct in which they are being worked may direct. Said court shall prescribe such rules and regulations as it may deem best for the safe keeping of the convicts, and may offer rewards for the capture and return of any convicts, such reward shall not exceed five dollars for the capture and return of any convict, and shall not be paid to any person who had charge of the convict at the time of his escape. Such reward shall be paid out of the road and bridge fund of the county by the county treasurer upon the approval of the commissioners court, and when any such reward has been paid the same shall be charged against the convict for whose recapture it was paid out, and said convict shall be required to work out the same upon the public roads of the county at fifty cents per day. The said court may grant a reasonable commutation of the time for which any convict was committed, as a reward for faithful or meritorious service, such commutation shall not be more than one-fifth of the whole time for which such convict was committed.

The provisions of this section shall not interfere with working the convicts on a county farm or hiring them out to the best responsible bidder.

SEC. 4. Each commissioner shall have control over all road overseers in his respective precinct, and he shall furnish to the overseer such tools, teams, and other machinery for working the public roads as may be furnished him by the commissioners court.

Said commissioner shall take a receipt from each road overseer for all tools, teams, implements or machinery placed in the hands of any road overseer for the purpose of having the roads worked.

Said overseers shall be responsible to the commissioner for all tools, teams, implements, or machinery placed in his hands by the commissioner, and, when said tools, teams, implements or machinery are turned back into the hands of the commissioner, he shall receipt the road overseer for the same, and said receipt of the commissioner shall relieve the road overseer of any further liability for said teams, tools, implements or machinery, and the commissioner shall be held responsible to the commissioners court for all property of the county which has been placed in his hands for the purpose of having the public roads worked.

SEC. 5. The commissioners court shall require each delinquent poll taxpayer of Cherokee county to work on the public roads of his respective precinct two days for each year that he shall fail or refuse to pay said poll tax, and this work shall be in addition to the five days work now required by law to be performed by all persons subject to road duty under the laws of the State.

Said delinquent poll taxpayers shall be summoned by the road overseer or some person deputized by him, and shall perform such work as may be required by the road overseer.

It shall be the duty of the tax collector of Cherokee county to furnish to the commissioners court between the first day of February and the first day of March of each year; a complete list of the delinquent poll taxpayers for the previous year, and the commissioners shall furnish to the road overseer of their respective precincts the names of those delinquent poll taxpayers who reside in said precinct, and from said list, those who are delinquent in the payment of their poll taxes shall be summoned

to work on the nearest public road to their residence, and those who live in any incorporated town or city shall be required to work on such roads as the commissioners may direct.

Provided, that should a constitutional provision be adopted depriving any citizen of the right to vote for the non-payment of poll taxes, the person or persons so deprived shall not be required to perform road duty for the non-payment of poll taxes.

SEC. 6. The commissioner of any precinct may require each road overseer of his respective precinct to call out the hands subject to road duty, in such numbers as may be necessary to perform the work, such hands may all be required to work on the same day, or on different days, as the judgment of the commissioner or road overseer may direct, but no hand shall be required to work more than five days in any one year, except those required to work two days for non-payment of poll taxes.

Every person subject to road duty may be relieved of said duty by the payment of three dollars to the road overseer on or before the first day he is summoned to appear for road duty.

When any person subject to road duty shall pay three dollars to the road overseer, the road overseer shall give him a receipt for the same, and the possession of said receipt shall relieve the holder thereof from further road duty during the year.

All moneys received by any overseer shall be turned into the commissioner of said precinct and a receipt for the same shall be given by the commissioner to the road overseer, and the same shall go into the road and bridge fund of the county to be paid out for contract work upon the order of the court.

SEC. 7. The overseer may summon the hands subject to road duty, or he may authorize some person subject to road duty to summon the hands, and in case some other person than the overseer shall summon hands he shall be allowed such time as may be necessary for such service, not to exceed one day. The hands so summoned shall bring such tool or tools as may be required by the overseer, and if they have no such tools they shall bring such other tool as they may be able to obtain.

The overseers shall make such arrangements with the hands as they may deem proper, for the use of plows, teams, wagons, etc., and when any person shall furnish any plow, wagon, teams, etc., he shall be allowed the following time, to be deducted from his road duty: for one horse and plow, one day's work, for two horses and plow or scraper two day's work, for wagon and team, two and one-half day's work; provided, that overseers shall not expend any money for the hire of labor, teams and tools except such moneys as they may receive for the benefit of the road and bridge fund, and overseers shall not create any debt against the county unless authorized to do so by the commissioners court.

Every person legally summoned to perform road duty who shall fail or refuse to perform such duty, shall be subject to the same penalties as are now provided by existing laws; provided that any person subject to road duty may furnish any able bodied substitute to perform such work, or he may satisfy such duty by the payment to the overseer of one dollar for each day that he shall fail or refuse to perform the work required of him by the overseer.

SEC. 8. The county commissioners who are declared by this act to be ex-officio road commissioners shall supervise and manage the working of

the public roads of their respective precincts in accordance with the provisions of this act. They shall have control over the road overseers, in the management of the public roads, and shall let out all contracts for work on the roads or for building or repairing any bridges, and they may authorize the said overseers to work more than five days in each year; provided, that said overseers shall receive one dollar per day for each day that they may, work over five days, as required by law, but in no case shall any overseer be required to work more than five additional days, and she shall not receive more than five dollars for such service.

The commissioners shall, in addition to the compensation now allowed by law, receive two dollars per day for not exceeding fifty days work each year on the public roads; provided, that said commissioners shall actually perform duty on the public roads, as supervisor for as many days as their accounts are drawn for, and said accounts shall be sworn to and approved by the commissioners court, and paid by the county treasurer.

SEC. 9. The road and bridge fund of fifteen cents on the one hundred dollars valuation of all property subject to taxation in Cherokee county which is now levied for road and bridge purposes shall be used exclusively for road and bridge purposes, and no part of this fund shall be diverted to any other fund; provided, that in cases of imperative public necessity the commissioners court may, by unanimous vote, transfer some of this fund to the jury fund.

In addition to the road and bridge fund thus provided, the commissioners court shall, under the authority granted by the Constitution Section 9, Article 8, and in accordance with Chapter 7, Article 4786, of the Revised Civil Statutes of 1895, upon the petition of two hundred qualified voters who are resident taxpayers on realty of the county asking for such an election, order an election to determine whether or not a special road tax, not to exceed fifteen cents on the one hundred dollars valuation shall be ordered, and all those voting in such an election who favor the tax, shall have written or printed on their ballot "for the road tax"; and all those who are opposed to such tax shall have written or printed on their ballot "against the road tax." And when the returns of the election are counted by the commissioners court if it is found that a majority of those voting at such election voted in favor of the tax the said court shall declare that the tax for road purposes has been adopted, and they shall order the levy and collection of such tax, in accordance with the provisions of existing laws, and if the proposition for a road tax is defeated, no such tax shall be levied by the court, and after the defeat of such a proposition to election shall for a special road tax shall be held within two years of the date of the previous election.

When a special road tax has been levied, all the money derived from such tax shall go into the road and bridge fund of the county and shall be used only for road and bridge purposes, and shall be paid out by the treasurer upon the approval of the commissioners court, in accordance with previous sections of this act, and no part of such funds shall ever be diverted to any other purpose.

SEC. 10. At the first regular term of the commissioners court of each year, the commissioner of each precinct shall make his full report to the court for road service rendered during the previous year.

The said report shall contain a full statement and an itemized account of all moneys received and paid out by him for road and bridge purposes

during the previous year, together with the number of days said commissioner has supervised the working of the roads in his respective precinct, and the amount he has received or is to receive for the same.

The commissioners court may approve said accounts or reject them, or it may approve a part of the account or reject a part of it.

These accounts may be approved at any regular term of the court, but when they are so approved, they shall be made a matter of record and shall all be included in the final term report. At the first regular term of the commissioners court in each year, all road overseers of the county shall hand in a full and complete report to the commissioner of their respective precincts, giving the condition of the road of which they are overseers, and an itemized account of all the moneys received and paid out by them.

Suitable blanks shall be furnished by the commissioners court to each commissioner and to each road overseer for the purpose of making all necessary reports.

Before the close of the first regular term of the commissioners court each year, the said court shall appoint and commission all road overseers of the county, who shall immediately enter upon the discharge of their duty, and whose term shall not expire until the first regular term of the commissioners court of the next year. In case of death or resignation of any overseer, the said court shall have the authority to fill the vacancy at any regular or special session.

SEC. 11. The commissioners court of Cherokee county shall have the right to condemn lands for public roads without the consent of the owner, under the same rules and regulations as are now provided in the General Laws, and this act shall be cumulative of all laws now on the statute books, except wherein it conflicts with the same, and in that event this law shall apply as to Cherokee county.

This act shall be taken notice of by all courts of the State, in the same manner as though it were a general law.

SEC. 12. The fact that there is now no recognized road system in Cherokee county, and the fact that good roads are necessary in the development and upbuilding of said county, and the crowded condition of the calendar of each house of the Legislature, and the near approach of the close of the present session of the Legislature, creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule which requires bills to be read on three several days, and the rule is hereby suspended; and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and was reported to the Senate where it was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## VAN ZANDT COUNTY—ROAD SYSTEM.

H. B. No. 429.]

## CHAPTER LXXI.

An Act creating a more efficient road system for Van Zandt county, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the roads of said county and upon the county farm; and to provide for the summoning of teams for road work, and for an allowance of time for road service for same and fixing a penalty for the violation of this act; and to repeal all laws in conflict with this act as to Van Zandt county; and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Van Zandt county shall be ex-officio road commissioners of their respective districts, and, under the direction of the commissioners court shall have charge of all teams, tools and machinery belonging to the county and placed in their hands by said county and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads and the building of bridges.

Each of said commissioners shall before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond for one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that he will perform all of the duties required of him by law or by the commissioners court, and that he will account for all monies or property belonging to the county that may come into his possession.

SEC. 2. The commissioners court of said county shall have full power and authority and it shall be its duty to adopt such system for working, laying out, draining and repairing the public roads of said county as it may deem best, and from time to time said court may change its plan or system of working.

Said commissioners court shall have full power to purchase or hire such teams, tools and machinery as may be necessary for the working of its roads.

Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract.

In such case said court or county judge of said county may advertise in such manner as such court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids.

At the time of making such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose and the treasurer shall keep a separate account of such fund, and the same shall not be used for any other purpose, and can only be paid out on order of said court, and the said court shall have authority to employ any

hands or teams to work on the road under such regulations and for such prices as they may deem best.

SEC. 3. The commissioners court of said county may require all county convicts to labor on the public roads under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first and then on the cost for each day he may labor.

The commissioners court may provide such reasonable regulations and punishment as may be necessary to require such convicts to perform good work; and may provide a reward, not to exceed ten dollars to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict to be paid to any person other than the guard or person in charge of such convict at the time of his escape.

The commissioners court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful service and good behavior, in no case to exceed one-fourth of the time.

Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine and medical attention and guards, for the safe and humane keeping of convicts; providing, that this shall not interfere with the working of convicts upon the county farm.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them so far as he has been supplied by the commissioners court all, teams, tools and machinery necessary in working the roads in the district of said overseer, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been intrusted with any teams, tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession, caused by negligence or want of due care of same, and shall not use or permit the same to be used for private purposes.

It shall be the duty of the road overseer when he has finished work on his road to return to said commissioner all teams, tools and machinery received from him and take up the receipt given therefor.

SEC. 5. It shall be the duty of the commissioners when acting as road commissioners, to inform themselves of the condition of the public roads in their districts, and they shall determine what character of work shall be done upon said road, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all overseers in their districts.

SEC. 6. The commissioners court may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year or two days with himself and team, unless the term of service as prescribed by the General Laws, shall be extended beyond that time; provided that all road hands in any particular district shall as far as practicable be worked a uniform time.

Each road overseer, or in case of his absence any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand when called out shall perform a good day's work of not less than eight hours, and if any hand when so called out shall fail, or refuse, to do a good day's work of not less than eight hours, or to work

in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar and fifty cents per day for the time so served.

SEC. 7. Every person liable to work on the public roads in Van Zandt county, who shall pay to his road overseer at any time before the day appointed to work on his road the sum of one dollar for each day that he is summoned to work, shall be exempt from work for each day paid for.

SEC. 8. Each person summoned to work on the road shall take with him an ax, hoe, pick, shovel, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tools as may be desired or directed by the overseer to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for and the commissioners court under such regulations as they may prescribe, shall pay for all such breakage or damaged tools, as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for road work such team or teams as he may have on hand suitable for road work; provided, such hands shall be allowed two and one-half days' time put in by hand and his team, and one and one-half days' time for such team without such hand.

SEC. 9. If any person liable to work on the public road after being legally summoned, shall intentionally fail or refuse to attend, either in person or by an able and competent substitute, or fail or refuse to furnish his team or tools at the and place designated by the person summoning him, or to pay to the overseer such sum of one dollar per day for each day summoned to work, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not to exceed ten dollars.

SEC. 10. At the first regular term of the commissioners court of each year all road overseers shall make their report under oath upon the forms to be furnished by said court, which said report shall be examined by said court, and all accounts for services or labor performed for overwork by such overseer during the past year, and of moneys had and expended and expended by him shall be audited and settled; and as soon thereafter as practicable, said commissioners court shall appoint and commission road overseers for the succeeding year. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the commissioners court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 11. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, changing or draining of any road, or any part thereof, if the owner of said land cannot agree with the court as to the damages to be paid, the court may proceed to condemn the same in the same manner that a railroad company can condemn land for a right of way, and the same proceedings may be had and the same rights shall exist to each party that would exist, as if the proceedings were by a

railroad company, except that the county, shall in no case be required to give bond.

SEC. 12. Each county commissioner when acting as road commissioner shall be entitled to two dollars per day of eight hours actual service performed, provided, that he shall not receive more than fifty dollars per quarter, said per diem to be paid out of the road and bridge fund when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall make oath that the account is just, due and unpaid, and said account shall specify the number of days work actually performed by him, and the number of hours each day, and that the same was necessary to be done under the circumstances, and no commissioner shall be entitled to pay as road commissioner while performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road.

SEC. 13. In all cases where the cost of labor and material exceed one hundred dollars it shall be the duty of said court to construct, grade or otherwise improve any road or bridge by contract, the same to be advertised for as provided by said commissioners court.

SEC. 14. This act shall be taken notice of by all courts in the same manner as the General Laws of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to Van Zandt county.

SEC. 15. The fact that there is now no sufficient general road law in force in this State, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days shall be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

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## KARNES COUNTY—ROAD SYSTEM.

H. B. No. 537.]

## CHAPTER LXXII.

An Act to create a more efficient road system for Karnes county, Texas, and making the county commissioners of said county ex-officio road commissioners; and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, providing for commutation of time for good behavior, and good service, and providing for a reward to be offered for the recapture of an escaped convict, and taxing said reward and all actual of capture and delivery of said convict, against said convict; and providing for a penalty for the escape of a county convict, and providing the amount of compensation in road time to be allowed by overseers to road hands; for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes; and providing the character of work that road commissioners may require of overseers and hands; and providing further, making this law cumulative of the General Laws, and in case of conflict this act to govern as to Karnes, county Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners court of Karnes county shall be ex-officio road commissioners of their county, and under the direction of the commissioners court shall have charge of all teams, tools and machinery belonging to said county, and placed in their hands by said court, and it shall be their duty under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads and the building of bridges. Each of said commissioners shall before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the commissioners court, and that they will account for all money or property belonging to the county that may come into their possession.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be their duty to adopt such system for working, laying out, draining, grading, and repairing the public roads in said county as they may deem best, and from time to time said court may change its plan or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery as may be deemed necessary for the working of its roads. Said court shall have power to construct, grade or otherwise improve any road or bridge by contract. In such case such court or county judge of said county may advertise in such manner as said court may determine for bids to do such work and the contract shall be awarded to the lowest responsible bidder, who shall enter into a bond payable to the county judge for the use of the road and bridge fund with good and sufficient sureties to be approved by said court and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids. And the said court shall have the authority to employ any hands or teams to work on the roads under such regulations and for such prices as they deem best.

SEC. 3. The commissioners court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads,

under such regulations as it may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine and costs for each day he may labor. The officers and witnesses shall be paid their costs as is now provided by General Laws; said costs shall be paid to the officers and witnesses out of the road and bridge fund on the warrant of the county judge, when said fine and costs shall have been worked out in full. The commissioners court may grant a reasonable commutation of time in which the convict is committed as a reward for faithful services and good behavior; provided, that such commutation in no case exceeds one-tenth of the whole time. The commissioners court may offer a reward not to exceed ten dollars for the recapture of an escaped county convict, which shall be paid out of the general fund to the person recapturing said escaped convict, except the person from whom said convict escaped. Said reward when offered and paid shall be taxed against said convict with all other actual costs for recapturing and returning said convict, and said convict shall be required to pay said reward and other costs in recapturing and returning said convict. The commissioners court may provide the necessary houses, prisons, clothing, bedding, food, medicine and medical attention, and guards, for the safe and humane keeping of convicts.

SEC. 4. Each county commissioner shall have control of all road overseers in his precinct, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the precinct of said overseer, so far as he has been supplied therewith by the commissioners court, taking the receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer to the liability of the commissioner and shall fix the liability of the overseer; and any commissioner who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damages that may occur to the same in his possession. It shall be the duty of the road overseer, when he has finished his work on his road to return to said commissioner all teams, tools and machinery received from him and to take up the receipt given therefor. The road commissioner of each commissioner's precinct shall have control of all persons liable to work upon the public roads, and said road commissioners shall have full power and authority to call out all or any part of said persons at any time for special work, upon one day's notice, and the overseer shall have the same power. Said road commissioner shall have full power and authority to require road overseers and road hands to perform any and all reasonable work on said public roads, and to require the removal of all obstructions that may be in the public roads, such as grubs, stumps or trees, or of whatsoever kind and nature.

SEC. 5. It shall be the duty of the county commissioner, when acting as road commissioner, to inform himself of the condition of the public roads in his district and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all road overseers in his district.

SEC. 6. The commissioner may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work; but no road hand shall be required to work exceeding five days in any one year unless the term of service, as provided by the

General Laws, shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer shall have control of all road hands within his precinct, and shall see that each hand, when so called out shall perform a good day's work, and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners court may allow to any overseer, who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation not to exceed one dollar per day for the time so served; provided, that such services shall be done under the written order of the road commissioner. When it shall become necessary for any road commissioner to exchange the labor of any hand or hands for plows, scrapers, wagons, or teams, as provided by General Law, said overseer shall allow fifty cents per day for a wagon, scraper or plow, and one dollar per day for a team.

SEC. 7. Any citizen of Karnes county liable for road duty who shall on or before the first day of February of any year pay to the county treasurer the sum of three dollars (\$3) shall be exempt from road duty for such year, beginning on the fifteenth day of February. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund, keeping a separate account for each commissioner's precinct. The treasurer shall, on or before, the regular meeting of the commissioners court in February of each year, furnish to each county commissioner a list of all persons, in their respective precincts, who have paid said sum as provided in this section.

SEC. 8. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening or draining any road or part thereof, if the owner of such land and the commissioners court cannot agree upon the damages to be paid, the county may proceed to condemn the same under the provisions now provided under the General Laws of the State, or in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had and the same rights shall exist to each party if the proceedings were by a railroad company except that the county shall in no case be required to give bond.

SEC. 9. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to two dollars per day for the services actually performed; provided, said sum to be paid him shall not exceed \$25 per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners court, and the commissioners court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid specifying the number of days labor actually performed by him, each day to consist of not less than eight hours, and that said service was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner, no shall he receive any additional pay than that provided by this section for inspecting or riding over his roads, or for other road services.

SEC. 10. If any county convict shall escape from any person or per-

sons having said convict in charge, for said county, said county convict so escaping shall be guilty of an offense and upon conviction shall be fined not less than ten, nor more than twenty-five dollars.

SEC. 11. This act shall be taken notice of by all courts in the same manner as the General Law of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges when not in conflict therewith; but in case of conflict this act shall control as to Karnes county, Texas.

SEC. 12. The near approach of the close of the present session and the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule which requires bills to be read on three several days and said rule is hereby suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate where the same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

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## MADISON COUNTY—ROAD SYSTEM.

H. B. No. 526.]

CHAPTER LXXIII.

An Act to create a more efficient road law for Madison county, Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners court of Madison county shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners court, shall have charge of all the teams, tools and machinery belonging to the county, and placed in their hands by said county, and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of Madison county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law, or by the commissioners court, and that he will account for all money or property belonging to the county that may come into his possession; provided, that with the consent of the commissioners court any one of said commissioners shall be allowed to appoint any competent person as deputy

road commissioner, who shall be required to execute the same bond that is required of commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioners when a deputy road commissioner has been appointed.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining and repairing the public roads in said county as it may deem best, and from time said court may change its plan or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have power to construct, grade or otherwise improve any road or bridge by contract. In such cases said court, or the county judge may advertise in such manner as said court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. At the time of making such contract, the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners court of said county shall require all county convicts, not otherwise employed, to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and then on the costs, for each day he may labor. Such commissioners court may prescribe such reasonable regulations and punishment as may be necessary to require such county convict to perform good work, and may provide a reward not exceeding ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of an escaped convict, to be paid to any person, other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict and worked out or paid by him as a part of the cost. The commissioners court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful services and good behavior, in no case to exceed one-fifth of the whole time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine and medical attention, and guards for the safe and humane keeping of convicts. The commissioners court may, at a regular term, allow to the officers and witnesses such amount of their costs for the arrest and conviction of such convict as it may deem best; provided that it shall not allow to any officer an amount greater than the following: County attorney, five dollars including commissions; county clerk, and justices of the peace, including commissions, one dollar and seventy cents; sheriffs or constables, five dollars, which amount shall be paid to the officers out of the

road and bridge fund, upon the order of said court, when said fine and costs have been worked out as provided in this section; provided, that this shall not be construed as to relieve any convict from the payment of any costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all teams, tools and machinery necessary in working the roads in the district of said overseer, so far as he has been supplied therewith, taking his receipt therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession, caused by his negligence, or want of due care of same, and shall not use or permit the same to be used for private purposes, without the consent of the commissioners court. It shall be the duty of the road overseer when he has finished work on his roads to return to said commissioner all teams, tools and machinery received from him and take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner, when acting as road commissioner, to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 6. The commissioners may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service as prescribed by the General Laws shall be extended beyond that time; and provided, that all road hands in any particular district shall as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand when called out shall perform a good day's work, and if any hand when so called shall fail or refuse to perform a good day's work or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year a compensation not to exceed one dollar and fifty cents per day for the time so served.

SEC. 7. Any citizen of Madison county liable for road duty who shall on or before the first day of February of each year pay to the county treasurer the sum of three dollars shall be exempt from road duty for such year, beginning on the first day of February. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund, and shall keep a separate account for each road district from which it is received. The treasurer shall on the third day of February, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid such sums as provided in this section.

SEC. 8. Every person liable to do work on roads, by paying to his road overseer at any time before the day appointed to work on the road the sum of one dollar for each day that he is summoned to work, and one dollar and fifty cents for each day that he is summoned to furnish his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also be exempt from any penalties for failure to work or furnish such team for the time for which he has so paid.

SEC. 9. Each person summoned to work on the road shall take with him an ax, hoe, spade, plow, scraper or such other tool as may be desired and directed by the road overseer, or if he has no such tools as are desired and directed by the road overseer to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for, and the commissioners court, under such regulations as they may prescribe, shall pay for all such breakage and damage to such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half day's time for each day put in by a hand with his team, and one and one-half day's time for his team without such hand.

SEC. 10. If any person liable to work on the public roads after being legally summoned shall intentionally fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay to such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or having attended, shall fail to perform good service or any other duty required of him by law, or the person under whom he may work, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined in any sum not to exceed ten dollars.

SEC. 11. At a regular term of the commissioners court for February of each year all road overseers shall make their reports under oath, upon forms furnished them by said court, which said report shall be examined by said court, and all accounts for services or labor performed for overwork by such overseer during the past year, and of moneys had and expended by him, shall be audited and settled; and as soon thereafter as practicable said commissioners court shall appoint and commission road overseers for the succeeding year. Any road overseer intentionally failing to perform his duties as such overseer, or failing or refusing to make his reports as required by law, or failing or refusing to serve or perform the duties of overseer, when appointed by said court, or to perform any other duty required of him by law or by the commissioners court, or by the commissioner of his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for opening, widening, straightening or draining any road, or part thereof, if the owner of such land and the county commissioners court cannot agree

upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 13. It shall be lawful for any delinquent poll taxpayer in Madison county, to perform three days' service upon the public roads in his road precinct in each and every year, in discharge of his said delinquent poll tax, unless the rate of poll tax now provided for by the General Laws of Texas shall be changed, in which case a proportionate time of service shall be held to discharge said delinquent for one year's poll taxes; and provided further, that this act shall not be held to annul any law upon the general statutes of Texas for the collection of delinquent taxes, but shall be held to be as cumulative thereto in Madison county; and provided further, that such delinquent taxpayers shall perform such road service, under the direction of the road overseer, under the same regulations herein provided for parties subject to road service under the General Laws of the State.

SEC. 14. Each county commissioner when acting as road commissioner and performing the duties imposed upon him by law, or by the commissioners court, shall be entitled to two dollars per day for the services actually performed; provided, said sum to be paid him shall not exceed forty dollars per quarter, which amount shall be paid out of the road and bridge fund; when the account shall have been approved by the commissioners court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days' work actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner either for himself or his deputy while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road or for other road service.

SEC. 15. This act shall be taken notice of by all courts in the same manner as the General Laws of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict, this act shall control as to the county of Madison.

SEC. 16. The present condition of the roads of Madison county and the fact that there is no General Law on the subject of roads and bridges adequate to give the needed relief to the county, and the further fact of the crowded condition of the calendar and the near approach of the close of the present session of the Legislature, creates an emergency and an imperative public necessity necessitating the suspension of the constitutional rule requiring bills to be read on three several days and that rule is hereby suspended and that this bill be placed on its third reading and final passage, and take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]



[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D., 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## BRAZORIA COUNTY—ROAD SYSTEM.

II. B. No. 522.]

### CHAPTER LXXIV.

An Act to create a more efficient road system for Brazoria county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, and providing a penalty for the escape of county convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, and road work, and providing for the condemnation of land for public road purposes; and providing for the working of delinquent poll taxpayers on the public roads; and relieving road hands from the performance of road work by the payment of the sum of three dollars; and providing for election, for issuance of bonds for bridge purposes; and providing for the making of this law cumulative of the General Laws, and in case of a conflict this act to govern as to Brazoria county, Texas, and creating an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Brazoria county, Texas, shall be ex-officio road commissioners of their respective districts, and under direction of the commissioners court shall have charge of teams, tools and machinery belonging to the county, and placed in their hands by the said court; and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges.

Each of said commissioners shall, before entering upon the duties of his office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund of the county, conditioned that he will perform the duties required of him by law or by the commissioners court, and that he will properly account for all money or property belonging to the county that may come into his possession. This is in addition to any other bond required of commissioners by existing laws.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be their duty, to adopt such system of working, laying out, draining and repairing the public roads in said county as they may deem best, and from time to time the said court may change its plan or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery that may be necessary for the working of its roads. Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract. In such case said court, or the county judge, may advertise in such man-

ner as said court may determine, for bids to do such work, and the contract shall be let to the lowest responsible bidder, who shall enter into bond payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such amount as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids. And the said court shall have authority to employ any hands or teams to work on the road, under such regulations and for such price as it may deem best.

SEC. 3. The commissioners court of said county may require all county convicts not otherwise employed to labor upon the public roads under such regulations as it may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first and then on the costs, for each day he may labor, and for each Sunday while confined. The commissioners court shall, at a regular term, allow to the officers and witnesses one-half of their costs for the arrest and conviction of said convict; provided, he works out his entire fine and costs, which amount shall be paid to the officers out of the road and bridge fund on the warrant of the county judge. The commissioners court may provide the necessary houses, prisons, food, medicine, medical attention and guards for the safe and humane treatment of said county convicts.

SEC. 4. The commissioners court shall lay off each road commissioner's district into a convenient number of road precincts, numbering each and defining as accurately as possible the boundaries thereof.

SEC. 5. An overseer shall be appointed by said court for each road precinct at the time of establishing the same, and at the first regular term of the court of each year, or as soon thereafter as practicable either at a regular or special term, the said court shall appoint an overseer for each road precinct in the county, who shall under the direction of the road commissioner of his district have charge of all the public roads, and all the hands liable for work on the same that are situated or reside in his precinct. It shall be his duty to call out all hands liable for road work and to cause all the roads in his respective precinct to be worked at least twice in each year, and at such other times as may be necessary. He shall also work on the public roads of his precinct any county convict that may be assigned to him under the direction of the commissioners court or county judge; and shall have authority to call out any person liable for road duty to act as guard for said convict or convicts in his precinct.

SEC. 6. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all teams, tools and machinery that may be necessary in working the roads in the precinct of said overseer, so far as he has been supplied therewith by the commissioners court, taking the receipt of said overseer therefor, specifying each item and giving its value; which receipt shall be a full answer for the liability of the commissioner, and shall fix the liability of the road overseer. And any commissioner or road overseer shall be liable for any damage that may occur to the same, while in his possession caused by his negligence or want of due care of the same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners court. It shall be the duty of the overseer when he has finished work on his road to return to said commissioner all teams,

tools and machinery received from him and take up the receipt given therefor.

SEC. 7. It shall be the duty of the county commissioner, in acting as road commissioner, to inform himself of the conditions of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all road overseers of his district.

SEC. 8. Each road overseer shall, during each year, call out the hands subject to road duty to work five days, and he shall see that each hand, when called out, shall perform a good day's work, and if any hand, when so called out, shall fail or refuse to perform a good day's work, or to work in the manner that the overseer shall direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. And any road overseer, when he deems it expedient and at the time of notifying any hand to work upon the road, may also summon such hand as may be the owner of a team suitable for road work, to bring such team with him, to be used in working upon the road during such time as the hand may be notified to work upon the road. And after such notice given, if such hand shall fail or refuse to bring his team with him as notified to do, he shall be liable to the same penalty as if he had refused to appear in obedience to the summons; provided, that any hand for so doing shall be credited with and allowed two and one-half days upon the time for which he is liable for road duty for each day he may work in connection and while furnishing such team, and one and one-half days for his team without such hand.

SEC. 9. A "good day's work" under this act shall consist of eight hours labor for road hands or for county convicts, and ten hours labor for hired hands.

SEC. 10. The commissioners court may allow to any overseer engaged in the discharge of the duties of his office for more than five days during any one year a compensation not to exceed one dollar and fifty cents per day for the time so served, when such extra work is ordered by the commissioner of the precinct. The term of service of the road overseer shall be from the time of the service of the order of appointment until the first regular term of the commissioners court of the succeeding year.

SEC. 11. Any citizen of Brazoria county liable for road duty who shall on or before the first day of February of any year, pay to the county commissioner of his precinct the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of February.

The commissioner to whom the money shall be paid shall receive the same and receipt for it, and it shall be paid to the county treasurer and placed to the credit of the road and bridge fund, to be expended in the resident precinct of such payor, and the commissioner shall keep a separate account for each road precinct from which said money is received, and each commissioner shall, at the regular term in February, furnish to the court a list of all persons in their respective precincts who have paid said sum as provided in this section.

SEC. 12. Every person liable to work on the roads, by paying to his road overseer, at any time before the day appointed to work on his road, the sum of one dollar for each day he is summoned to work, and one dollar and fifty cents for each day that he is summoned to furnish his team

for road work, shall be exempt from working or furnishing his team for each day paid for, and also exempt from any penalty for failure to work or furnish such team for the time for which he has so paid.

SEC. 13. Each person summoned to work on a road shall take with him an ax, hoe, pick, gun, spade, plow, scraper or other tools, as may be desired and directed by the overseer; or if he has no such tool as may be desired and directed by the overseer to take with him, he shall take such suitable tools as he may have; provided, the county shall be liable for, and the commissioners court under such regulations as they may prescribe, shall pay for all such breakage or damage to all such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same.

SEC. 14. If any person liable to work on the public roads after being legally summoned, shall intentionally fail or refuse to attend either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him or to pay such overseer the sum of one dollar for each day he may have been notified to work on the road or to pay such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or having attended shall fail to perform good service or any other duty required of him by law or the person under whom he may work, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding ten dollars.

SEC. 15. At the first regular term of the commissioners court of each year, all road overseers shall make their report under oath, upon forms to be furnished by the said court, which reports shall be examined by said court and all accounts of moneys had and expended by him shall be audited and settled, and as soon thereafter as practicable said commissioners court shall appoint and commission road overseers for the succeeding year, and in the event of the removal, death, or refusal, failure or inability to act on the part of any road overseer so appointed, or on account of any vacancy in such office the commissioners court or the commissioner of the precinct shall have authority to fill the vacancy, and report his action to the county clerk, who shall record the same in the minutes of the commissioners court either in term time or vacation.

Any overseer intentionally failing to perform his duty as such overseer or failing or refusing to make his report as required by law, or to perform any other duty required of him by law, or the commissioners court or by the commissioner of the district, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 16. The county collector of Brazoria county shall as soon after the first day of February of each year as practicable, furnish to each road overseer a list of all the delinquent poll taxpayers for the previous year in their respective road precincts, and the persons so appearing on said lists and who are such delinquent poll taxpayers shall be subject to road duty for the period of three days during the ensuing year, and they shall be summoned as in other cases to work the roads in the road districts or precincts in which such persons may reside, and the performance of the road service provided for in this section shall not exonerate the person from any other road duty to which the person performing the same may be subject, but this shall be taken as cumulative. The person

subject to road duty under this section shall be subject to prosecution as provided in Section 14 of this act or other law of this State and subject to the same liabilities and punishment provided for in other cases for failing to appear and do good work when summoned to do so, as provided for in this act or other laws of this State, and all such laws shall apply to persons required to work roads under the provisions of this section, and when they are convicted they shall satisfy the fine and costs as in other misdemeanor convictions. But any person summoned to work on the road under the provisions of this section may satisfy such summons and be relieved from such duty by paying the amount of poll tax required by law, to be apportioned as the law directs, and exhibiting to the overseer or person summoning him on or before the day on which he is summoned to work, the receipt of the county collector for such poll tax.

SEC. 17. If any county convict shall escape from any person or persons having said county convicts in charge for said county, said county convict so escaping shall be guilty of an offense, and upon conviction shall be fined not less than ten nor more than twenty-five dollars.

SEC. 18. Whenever it shall be necessary to occupy any land for the purpose opening, widening, straightening, grading, making embankments, filling or draining any road or part thereof, if the owner of such land and the county commissioners court cannot agree upon the damages to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for a right of way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 19. It shall be unlawful for the commissioners court of Brazoria county to issue the bonds of said county for any amount over \$20,000.00 for the purpose of building bridges, unless a proposition for the issuance of such bonds shall have been first submitted to a vote of the qualified voters, who are property taxpayers of said county; and unless a majority of the said qualified taxpayers voting at said election is in favor of the proposition for the issuance of bonds then the said bonds shall not be issued. There shall be no bond issue exceeding \$5,000.00 without six months notice by said commissioners court, said notice to be published in a county paper in four consecutive issues before the meeting of the court authorizing any issue of road and bridge bonds exceeding \$5,000.00. If the proposition for the issuance of bonds be sustained by a majority of the said property taxpayers voting at said election, then the said bonds shall be authorized, and shall be issued by the commissioners court; provided, that this act shall not be construed to authorize and render valid bonds without being first submitted to the Attorney General, and certified to by him as now required by law.

SEC. 20. Whenever a petition, signed by fifty or more qualified voters, who are property taxpayers in the county of Brazoria, shall be presented to the commissioners court of said county at any regular session thereof, asking that the question of a bond issue be submitted to a vote of the qualified taxpayers of the county, it shall not be necessary to give any former notice before the court shall act on the same, but the court shall act thereon without notice, and at such regular term shall make an order for such election to take place at any time thereafter, not less than thirty, nor more than sixty days. Said order shall distinctly specify the pur-

pose for which the bonds are to be issued, the amount thereof, the time in which they are payable and the rate of interest; and all voters desiring to support the proposition to issue bonds shall have written or printed on their ballots the words: "For Issuance of Bonds," and those opposed shall have written or printed on their ballots the words: "Against the Issuance of Bonds."

SEC. 21. The commissioners court shall determine the time and places of holding said election, and the manner of holding same shall be governed by the laws of the State regulating general elections.

SEC. 22. This act shall not apply to funding bonds issued or to be issued in lieu of any valid, outstanding bonds of Brazoria county, nor to any issue of bonds, when for a sum less than two thousand dollars, when issued for the purpose of repairing bridges.

SEC. 23. Each county commissioner, when acting as road commissioner, and performing the duties imposed upon him by law, or by the commissioners court, shall be entitled to two dollars per day for services actually performed; provided, said sum to be paid him, shall not exceed fifty dollars per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days work, and date of same, actually performed by him, and that it was necessary to be done, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties as a county commissioner.

SEC. 24. The county collector, for furnishing a list of the delinquent poll taxpayers to the overseer, for his services in Section 16, shall be exempted from the road service for each year that such list is furnished or service performed as compensation for such work.

SEC. 25. This act shall be taken notice of by all courts in the same manner as the General Laws of this State, and it shall be construed to be cumulative of the General Laws of this State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as to the county of Brazoria.

SEC. 26. It shall be the duty of the district judge of this judicial district to charge the grand jury of the district court of Brazoria county to diligently inquire into and faithfully report all delinquencies of duty by the officers under this act and to indict all such delinquents in the ordinary way as other officers are indicted for negligence, inefficiency or malfeasance in office.

SEC. 27. The fact that there is now no sufficient general road law in force in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objec-

tions thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

### GRAYSON COUNTY—ROAD SYSTEM.

H. B. No. 519.]

#### CHAPTER LXXV.

An Act to create a more efficient road system for Grayson county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and providing for the appointment of deputy road commissioners; and defining the powers and duties of the commissioners court of said county; and to provide for the manner of trimming hedges along any public road; and fixing a penalty for the violation of this act and to repeal all laws in conflict with this act, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That each member of the commissioners court of Grayson county shall be ex-officio road commissioner of their respective districts, and under the direction of the commissioners court, shall have charge of all the tools, teams and machinery belonging to the county and placed in their hands by said court; and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads and the building of bridges. Each of said commissioners shall, before entering upon the duties of their office, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law or by the commissioners court; and that they will account for all money or property belonging to the county that may come into their possession; provided, that with the consent of the commissioners court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section; and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that commissioners shall not be allowed any compensation as road commissioner when a deputy road commissioner has been appointed.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be their duty, to adopt such system of working, laying out, draining and repairing the public roads in said county as they may deem best, and from time to time, said court may change its plan or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract. In such case said court, or the county judge, may advertise in such manner as said court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, pay

able to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids. At the time of making any such contract the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said court; and the said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners court of said county shall require all county convicts, not otherwise employed, to labor on the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and then on the cost, for each day he may labor. The commissioners court may, at a regular term, allow the officers and witnesses such amounts of their cost for the arrest and conviction of said convict as it may deem best; provided, that it shall not allow any officer an amount greater than the following: county judge, \$3.00; county attorney \$5.00 including commissions; county clerk and justice of the peace, \$1.70; sheriffs and constables, \$2.00, which amount shall be paid to the officers out of the road and bridge fund, on the warrant of the county judge, when said fine and costs shall have been worked out as provided in this section; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he would be liable under the General Laws of this State. The commissioners court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful service and good behavior; provided, that such commutation shall in no case exceed one-tenth of the whole time. The commissioners court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards, for the safe and humane keeping of convicts.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all tools, teams and machinery necessary in working the roads in the district of said overseer, so far as he may have been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer; and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county, shall be liable for any damages that may occur to the same while in his possession. It shall be the duty of the road overseer, when he has finished work on his road, to return to the said commissioner all teams, tools and machinery received from him and to take up the receipt given therefor.

SEC. 5. It shall be the duty of the county commissioner, when acting as road commissioner, to inform himself of the condition of the public roads in his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be observed and obeyed by all road overseers of his district.



SEC. 6. The commissioner may require each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, unless the term of service as prescribed by the General Laws, shall be extended beyond that time; and provided, that all road hands in a particular district shall, as far as practicable, be worked a uniform time. Each road overseer shall have full control of all road hands in his district, and he shall see that each hand, when called out, shall perform a good day's work; and if any hand, when so called out, shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a compensation, not to exceed one dollar and one-half per day for the time so served.

SEC. 7. Any citizen of Grayson county, liable for road duty who shall, on or before the first day of January of any year, pay to the county treasurer the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of January. The treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund, and he shall keep a separate account of each road district from which it is received. The treasurer shall, on the third day of January, or as soon thereafter as practicable, furnish each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 8. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, or draining any road or part thereof, if the owner of such land and the county commissioners court cannot agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had, and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that in no case shall the county be required to give bond.

SEC. 9. Every owner of a farm or other lands, upon which a hedge of any description grows on or near the public road, shall be required to keep the same trimmed, so that the height of the same shall not exceed eight feet above the level of the ground. Any such owner who shall fail or neglect to so trim such hedge, shall be notified in writing by the road overseer of that district to trim such hedge as herein required; and in such case if such owner shall, after receiving such notice, fail or refuse to so trim such hedge within a reasonable time, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed (\$20) twenty dollars per week, from and after the time that he received such notice: such fine to be paid into the county treasury and to be placed to the credit of the road and bridge fund of said county. If any owner of any farm shall fail or refuse, after being notified as herein required, to trim his hedge as required by this act, then the road overseer shall cause the same to be trimmed in accordance with the provisions of this act, to be paid out of the road and bridge fund of the county.

SEC. 10. Each county commissioner when acting as road commis-

sioner and performing the duties imposed upon him by law, or by the commissioners court, shall be entitled to two three dollars per day for the services actually performed; provided, that he shall not receive more than one hundred and thirty-five dollars (\$135) per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days work actually performed by him, and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner.

SEC. 11. This act shall be taken notice of by all the courts in the same manner as the General Laws of the State, and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges when not in conflict therewith; but in case of conflict this act shall control as to the county of Grayson, and all special road laws and amendments thereto heretofore passed are repealed, in so far as they conflict with this act.

SEC. 12. Owing to the crowded condition of the calendar and the improbability of reaching this bill before the close of the session, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by two-thirds vote, yeas 23, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 5th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

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## ERATH COUNTY—ROAD SYSTEM.

H. B. No. 541.]

CHAPTER LXXVI.

An Act to create a more efficient road system for Erath county, in this State, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the condemning of material for the construction and maintenance of public roads and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads, and the purchase of supplies for such convicts, and rewards for the capture of escaped county convicts and for commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers; and to provide for the summoning of hands and teams for road work, and the allowance for time for service of hands and teams on public roads, and fixing a penalty for the violation of same and relieving them from the payment of such work by the payment of three dollars; and providing further, for ordering an election to be held in said county by the qualified property tax-paying voters to determine whether or not an additional annual ad valorem tax for road and bridge purposes shall be levied and collected in said county; making this act cumulative of the General Laws now in force; and to repeal all laws in conflict with this act, and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That hereafter, in the county of Erath, the members of the commissioners court shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court shall have charge of the teams, tools and machinery belonging to the county and placed in their hands by said court, and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of the county commissioners shall, before entering upon the duties of road commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or by the commissioners court, and that they will account for all money or property belonging to the county as may come into their possession.

SEC. 2. The commissioners court shall have full power and authority, and it shall be their duty to adopt such system for making, laying out, draining and repairing the public roads as they may deem best, and from time to time said court may change their plan or system of working. The commissioners court shall have the power to purchase such teams, tools, and machinery as may be necessary for the working of public roads.

Said court shall have the power to construct, grade or otherwise improve any road or bridge by contract.

In such case said court or county judge may advertise in such manner as said court may determine for bids to do the work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond payable to the county judge and his successors in office, for the use and benefit of the road and bridge fund, with two or more good and sufficient sureties, to be approved by the commissioners court, and in such sum as said court may determine, for the faithful performance of the terms of said contract, but said court shall have the right to reject any or all bids. At the time of making any such contract the court shall

direct the county treasurer to pass the amount of said contract to a particular fund for that purpose, and the treasurer shall keep a separate account of said fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said court and the said court shall have authority to employ any hands and teams on the public roads under such regulations and for such prices as they may deem best.

SEC. 3. The commissioners court shall require all county convicts, not otherwise employed, to labor on the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and then on the costs, for each day he may labor. The commissioners court shall, at each term, allow the officers and witnesses such amount of their costs as have been satisfied in full by labor of such convicts, for the arrest and conviction of such convicts, as it may deem best, not to exceed one-half of such costs, which amount shall be paid to the officers and witnesses out of the road and bridge fund on the warrant of the county judge; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he may be liable under the laws of the State. The commissioners court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior; provided that such commutation shall in no case exceed one-tenth of the whole time.

The commissioners court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and superintendents and guards for the safe and humane keeping of the convicts. The commissioners court may provide such reasonable regulations and punishment as may be necessary to require such convicts to perform good work, and to provide a reward not to exceed ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against the convict and worked out by him as part of the costs.

SEC. 4. Each road commissioner shall have control of all road overseers in his precinct and shall deliver to each of them such teams, tools and machinery necessary in working the roads in the precinct of said overseer, so far as he has been supplied therewith by the commissioners court, taking a receipt therefor, specifying each item and giving its value, which receipt shall be a full answer for the liability of the road commissioner, and shall fix the liability of the road overseer; and the road commissioner or road overseer who shall have been intrusted with any teams, tools or machinery belonging to the county, shall be liable for all damages that may occur to same while in his possession, caused by his negligence or want of due care of same.

It shall be the duty of the road overseer when he has finished work on his road to return to said road commissioner all teams, tools and machinery received from him, and take up the receipt given therefor.

SEC. 5. It shall be the duty of each county commissioner, when acting as road commissioner, to inform himself of the condition of the public roads in his precinct, and shall determine what character of work shall be done on said roads; and shall direct the manner of grading, draining or otherwise improving the same; which directions shall be followed and obeyed by all road overseers of his precinct,

SEC. 6. The road commissioners may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, unless the term of service as now provided by law shall be extended beyond that time; and provided, that all road hands in a particular road precinct shall, as far as practicable, be worked a uniform time. Each road overseer shall have full control of all road hands in his precinct, and shall see that each hand, when called out, shall perform a good day's work, and if any hand, when so called out, shall fail or refuse to do a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. And the road overseer may, when he deems it expedient, or when directed so to do by the road commissioner of said commissioner's precinct, and at the time of notifying any hand to work upon the road, also summon such hand as may be the owner of a team suitable for road work, to bring such team with him to be used in working upon the public roads during such time as the hand may be notified to work upon the public roads. And after such notice is given, if such hand shall fail or refuse to bring his team with him as notified to do, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons; provided, that any hand for so doing shall be credited with and allowed two and one-half days upon the time for which he is liable for road duty for each day he may work in connection with and while furnishing such team, and one and one-half days for his team without such hand.

SEC. 7. A person liable for road duty who shall, on or before the first day of February of any year, pay to the county treasurer the sum of three dollars, shall be exempt from road duty for such year, beginning on the 1st day of February. The county treasurer shall receive and receipt for all money so paid him, and place the same to the credit of the road and bridge fund, and he shall keep a separate account for each precinct from which it is received. The county treasurer shall on the 3rd day of February, or as soon thereafter as practicable, furnish to each road commissioner a list of all persons in their respective precincts who have paid said sum, as provided in this section.

SEC. 8. When to the commissioners court it may appear expedient to build, repair or maintain any public road in their county, the timber, earth, stone, gravel or other necessary material most convenient therefor may be used, but in such case the owner thereof shall be paid out of the road and bridge fund of such county a fair compensation for the same, as may be agreed upon by the owner thereof or his agent and the commissioners court; provided however, that should said owner, or his agent, and said commissioners court fail to agree upon the compensation to be paid therefor then the county, upon the order of said court shall proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings shall be had as would exist if the proceedings were by a railroad company, except as hereinafter provided.

SEC. 9. The county shall not be required in proceedings to determine the compensation to be paid for material to build, repair or maintain public roads, in any case to give bond for costs; and the commissioners appointed to condemn such property necessary as aforesaid shall receive

for their services two dollars for each and every day that they may be necessarily engaged in the performance of their duties as such commissioners, to be paid out of the road and bridge fund on the order of the commissioners court, and the compensation awarded by said commissioners for the necessary material shall be paid to the owner or deposited with the county treasurer to the credit of such owner, and when so paid or deposited the county shall have the right to enter upon and use said material. If the owner of such material, or said county, is not satisfied with the compensation awarded said owner, he or said county may appeal therefrom, as in cases of appeal in proceedings by railroad companies to condemn right of way.

SEC. 10. If any person, liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to such road overseer the sum of one dollar for each day he may have been notified to work on the public roads, or to pay to such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or having attended, shall fail or refuse to perform good service, or any other duty required of him by law, or the person under whom he may work, or if any one shall fail to comply with any duty required of him as provided by law shall be deemed guilty of a misdemeanor, and upon conviction thereof fined in any sum not exceeding twenty-five dollars.

SEC. 11. Each county commissioner as compensation for his services as ex-officio road commissioner of his precinct, shall be entitled to such sum as may be prescribed by the commissioners court of his county, not to exceed two dollars and fifty cents per day for the services actually performed; provided that he shall not receive more than thirty dollars per month, which amount shall be paid monthly out of the road and bridge fund, when the account shall have been allowed by the commissioners court, and said court shall not approve said account unless the road commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days work actually performed by him; nor shall he be entitled to any other or further compensation for supervising public roads, except what is allowed by this act.

SEC. 12. The provisions of the foregoing act shall be held and construed to be cumulative of all General Laws of this State on the subject of roads, when not in conflict therewith, but in case of conflict this act to control, and provided this act shall not be in operation in Erath county unless the commissioners court thereof, in their judgment may deem it advisable, and then only by an order of the commissioners court, when all the members are present, made at some regular term thereof, accepting the provisions of this act. Such order shall be entered on the minutes of said court, and shall not be void for want of form, but a substantial compliance with the provisions thereof shall be sufficient; provided, that the commissioners court, at any regular session, after having accepted the provisions of this act, may annul or vacate said order by which the provisions of this act were accepted, by duly entering the order vacating or annulling the same upon the minutes of the court, and thereafter this act shall no longer be in force and effect in said county.

SEC. 13. As soon as practicable after the commissioners court accepts

the provisions of this act, as above provided, said court shall order an election to held in said county of Erath, by the qualified property tax-paying voters of said county, to determine whether or not addition annual ad valorem tax, not to exceed fifteen cents on the one hundred dollars valuation, shall be levied upon all the property in said county subject to taxation, for road and bridge purposes, in addition to the amount now authorized to be levied by general law. The officers holding said election shall receive no compensation for their services in holding the same; at said election each ballot shall have written or printed on it the following: "For additional road and bridge tax" or "Against additional road and bridge tax" as the case may be. At said election no person shall be permitted to vote unless he be a qualified property taxpaying voter of Erath county. The commissioners court of said county shall convene in special or regular session within ten days after said election and receive the returns and declare the result of said election, and if a majority of votes cast in said county shall be in favor of said addition tax, the said court shall enter an order upon its minutes duly declaring the result of said election, and thereafter as soon as practicable it shall levy an additional annual ad valorem tax for road and bridge purposes not to exceed fifteen cents on the one hundred dollars valuation upon the property in said county subject to taxation. And thereafter said additional tax shall be collected until such time as the qualified property taxpaying voters of said county, at an election held for that purpose, shall otherwise determine, which election shall be ordered by the commissioners court upon a petition of at least two hundred qualified property taxpaying voters of the county; provided, that said court may at any time, within its discretion, order such election of its own motion, without such petition.

SEC. 14. The fact that there is now no sufficient road law in force in said county of Erath, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 9th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## MILAM COUNTY—ROAD SYSTEM.

H. B. No. 405.]

CHAPTER LXXVII.

An Act to amend Chapter 118, Acts of 1897, providing for a more efficient road system for Milam county, Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 118, Acts of 1897, be so amended as to hereafter read as follows:

That the members of the commissioners court of Milam county shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners court shall have charge of all teams, tools and machinery belonging to the county and placed in their hands by said county; and it shall be their duty under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads and the building of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law and by the commissioners court, and that they will account for all the money or property belonging to the county that may come into their possession.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty, to adopt such system of working, laying out, draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have the power to construct, grade and otherwise improve any road or bridge by contract. In such case said court, if they deem it necessary, or the county judge, may advertise in such manner as the court may determine, for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine. for the faithful compliance with the terms of said contract; but said court shall have the right to reject any and all bids. The said court shall have authority to employ any hands or teams to work on the roads, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners court of said county shall require all county convicts not otherwise employed to labor upon the public roads. under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine and cost for each day he may so labor. Such commissioners court may provide such reasonable regulations and punishments as may be necessary to require such convicts to perform good work, and may provide a reward, not exceeding ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than



the guard or person in charge of such convict at the time of his escape, which reward shall be taxed against such convict and worked out or paid by him as part of the cost. The commissioners may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior, but in no case to exceed one-tenth of the whole time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts. The commissioners court may at a regular term allow to the officers such amount of their costs for the arrest and conviction of said convict as it may deem best; provided, that it shall not allow to any officer a greater amount than he is now or may hereafter be allowed by General Laws; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control of all road overseers in his district, and shall deliver to each of them all tools and machinery necessary in working the roads in the district of said overseer, as far as he has been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who shall have been entrusted with any teams, tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession, caused by his negligence or want of due care of the same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners court. It shall be the duty of the road overseer when he has finished work on his roads to return to said commissioner all tools and machinery received from him, and take up the receipt taken therefor.

SEC. 5. It shall be the duty of the county commissioner when acting as road overseer to inform himself of the condition of the public roads of his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all road overseers of his district.

SEC. 6. The commissioners may require of each road overseer in his district to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two days with himself and team, unless the term of service, as prescribed by the General Laws, shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence, any person deputized by him, shall have full control of all road hands within his road district, and shall see that each hand when called out, shall perform a good day's work; and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the road overseer may direct, shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 7. Any citizen of Milam county liable for road duty who shall, on or before the first day of February of each year, pay to the county treasurer the sum of three dollars, shall be exempt from all road duty

for such year, beginning on the first day of February. The treasurer shall receive and receipt for all money so paid him, and shall place the same to the credit of the road and bridge fund. The treasurer shall, on the third day of February, or as soon thereafter as practicable, furnish to each county commissioner a list of all persons in their respective districts that have paid said sum as provided in this section.

SEC. 8. Every person liable to work on roads, by paying his road overseer at any time before the day appointed to work on his road the sum of one dollar for each day he is summoned to work, and one dollar and fifty cents for each day that he is summoned to furnish his team for road work, shall be exempt from working or furnishing his team for each day paid for, and also be exempt from any penalties for failure to work or furnish such team for the time for which he has so paid.

SEC. 9. Each person summoned to work on a road shall take with him an ax, hoe, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tools as are desired by the overseer to take with him, he shall take such other suitable tool as he may have; provided, the county shall be liable for, and the commissioners court, under such regulations as they may prescribe, shall pay for all such breakage or damage to such tools as may have resulted from public road work, and not caused by the negligence of the person furnishing the same. Such overseer may also summon and require such road hand to bring with him for public road work such team or teams as he may have on hand suitable for road work; provided, such hand shall be allowed two and one-half days' time for each day put in by a hand with his team, and one and one-half days' time for his team without such hand.

SEC. 10. If any person liable to work upon the public roads, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by an able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to such overseer the sum of one dollar for each day he may have been notified to work on the road, or to pay to such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or shall fail to perform such good service or any other duty required of him by law or the person under whom he may work, shall be deemed guilty of a misdemeanor, and on conviction thereof, fined in any sum not exceeding ten dollars.

SEC. 11. At the regular term of the commissioners court in February of each year, all road overseers shall make their reports under oath, upon forms to be furnished them by said court, which said report shall be examined by said court, and all accounts of moneys had and expended by him shall be audited and settled; and as soon thereafter as practicable said commissioners court shall appoint and commission road overseers for the succeeding year; and in the event of the death, refusal or inability to act on the part of any road overseer so appointed the county commissioner of the precinct shall have authority to fill the vacancy, and report his action in writing to the county clerk, who shall record the same in the minutes of the commissioners court, either in term time or vacation. Any overseer failing to perform his duties as such overseer, or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, or to perform any other duty required of him by law or by the commis-

sioners court, or by the commissioner of the district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for opening, widening, straightening or draining any road or part thereof, if the owner of such land and the commissioners court cannot agree upon the damage to be paid, the county may proceed to condemn the same in a manner that a railroad company may condemn land for a right of way, and the same proceedings may be had, and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the general law relating to the opening of public roads by juries of view, but this section shall be cumulative thereof, and the commissioners court of Milam county may act under such general law or the provisions of this section at their option, in such case.

SEC. 13. Every owner of a farm or other land upon which a hedge of any description grows on or near the public road, shall be required to keep the same trimmed so that the same shall not obstruct said road, and shall not be of greater height than eight feet, and any such owner who shall fail or neglect to trim such hedge shall be notified in writing by the road overseer of that district to trim such hedge as herein required; and in case if such owner shall, after receiving such notice, fail or refuse to trim such hedge within a reasonable time, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding twenty dollars per week from and after the time that he receives such notice, such fine to be paid into the county treasury and be placed to the credit of the road and bridge fund of said county. If any owner of any farm shall fail or refuse, after being notified as herein required, to trim his hedge as required by this act, then the road overseer, upon an order from the county commissioner of his precinct, shall cause the same to be trimmed in accordance with the provisions of this act, to be paid for out of the road and bridge fund of the county.

SEC. 14. Each county commissioner when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to three dollars per day for the services actually performed; provided, that he shall not draw such pay for more than thirty-five days per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath the account is just, due and unpaid, and specifying the number of days' work actually performed by him, and that it was necessary to be done, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road, or for other road service.

SEC. 15. It shall be lawful for any insolvent delinquent poll taxpayer in Milam county to perform two days service upon the public roads in his road precinct in each and every year, in discharge of his delinquent poll tax, unless the rate of poll tax now provided for by the General Laws of Texas shall be changed, in which case a proportionate term of service

shall be held to discharge said delinquent for one year's poll taxes; provided, further, that this act shall not be held to annul any laws upon the general statutes of the State of Texas for the collection of delinquent taxes, but shall be held cumulative thereto in Milam county; and provided, further, that such delinquent taxpayers shall perform such road service under the direction of the road overseer, under the same regulations herein provided for parties subject to road service under the General Laws of the State.

SEC. 16. When it shall be made to appear to the commissioners court that the same is necessary for the better drainage of any public road or roads within Milam county, that the ditches along the right of way of any railroad company in Milam county should be opened and cleaned out, and the bar pits along said right of way emptied and drained, the commissioners court may, by an order entered upon the minutes of a regular or special term of the commissioners court, require any railway company whose ditches are so faultily constructed or so out of repair as to impede the easy and rapid flow of water accumulating on, along and near their right of way, to the nearest stream, gully, outlet or water course, and it shall be the duty of said railway in reference to which said order is made and entered, within sixty days after the receipt of a certified copy of said order, served on the depot agent of such company at Cameron, or if such company has no depot agent at Cameron, then on the depot agent at the station nearest Cameron, to commence the work so ordered to be done and to continue such work with reasonable dispatch until its completion to the satisfaction of the commissioners court; and in the event that said railroad company, its officers and agents, fail to comply with the terms of said order, and fail to commence said work within sixty days, and finish the same within a reasonable time, the commissioners court shall have said work performed, keeping an accurate account of the money expended upon said work, and said money so expended may be recovered from the railroad company along whose right of way said work was done at the suit of the county for the benefit of its road and bridge fund, in any court of competent jurisdiction in Milam county.

SEC. 17. This act shall be taken notice of by all courts in the same manner as the General Laws of the State, and it shall be held to be cumulative of all General Laws of the State on the subject of roads and bridges, when not in conflict therewith, but in case of conflict, this act shall control as to the county of Milam.

SEC. 18. The fact that there is now no efficient general road law in force in this State creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 99, nays 0; and passed the Senate by two-thirds vote, yeas 28, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and there-

upon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Became a law April 19, 1901.

## TITUS COUNTY—TO RESTORE JURISDICTION TO COUNTY COURT.

H. B. No. 421.]

CHAPTER LXXVIII.

An Act to restore to and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and General Statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the county court of Titus county shall hereafter have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars; and shall also have appellate jurisdiction in criminal cases of which justices of the peace, and other inferior tribunals of said county have original jurisdiction.

SEC. 2. Said county court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in all criminal cases, of which criminal cases said court has jurisdiction.

SEC. 3. The county judge of said county shall have authority, either in term time or in vacation, to issue all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in all cases in which the Constitution has not conferred power on the district court or judge thereof.

SEC. 4. The district court of said Titus county shall no longer have jurisdiction of which the county court of Titus county, by the provisions of this act, has exclusive original or appellate jurisdiction; and it shall be the duty of the district clerk of said county within thirty days after the passage of this act, to make a full and complete transcript of all orders on the dockets in cases now pending before the district court, of which cases, by the terms of this act, exclusive original or appellate jurisdiction is given to the county court, and to deliver said transcript together with the original papers to the clerk of said county court and said county clerk shall enter said case or cases on the docket for trial by said county court, and all process issued and made returnable to the district court shall have the same force and effect in the county court.

SEC. 5. The county court of said county shall hereafter hold its regular term for criminal business as provided in the Constitution and General Laws of the State of Texas, for civil and criminal terms of the county courts and all process heretofore issued from the district court of said county in cases to be transferred under this act to the county court shall be returnable to the first term of the said county court thereafter.

SEC. 6. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the

House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 6th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

### BROWN COUNTY—ROAD SYSTEM.

S. B. No. 291.]

#### CHAPTER LXXIX.

An Act to create a more efficient road system for Brown county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for reward to be offered for the recapture of an escaped county convict, and providing for the trimming of hedges by the owner of land, and providing a penalty for failure to trim hedges, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes and providing for the working of delinquent poll taxpayers on the public roads, and relieving them from the payment of said work by the payment of the sum of three dollars, and providing further, making this law cumulative of the General Laws, and in case of conflict this act to govern as to Brown county, Texas.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the members of the commissioners court of Brown county shall be ex-officio road commissioners of their county, and under the direction of the commissioners court, shall have charge of all the teams, tools and machinery belonging to the county and placed in their hands by said court; and it shall be their duty under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of bridges. Each of said commissioners shall before entering upon the duties of his office, execute a bond of \$1000.00 with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law, or by the commissioners court, and that he will account for all money or property belonging to the county that may come into his possession; provided, that with the consent of the commissioners court any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required of the commissioner in this section, and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioners when a deputy road commissioner has been appointed.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be their duty to adopt such system for working, laying out, grading and repairing the public roads in said county as they may deem best, and from time to time said court may change its plan or system of working. Said commissioners court shall have power to purchase such teams, tools and machinery as may be necessary for the working of its roads. Said court shall have power to construct, grade or otherwise improve any road or bridge by contract. In such case said court or county judge of said county may advertise in such manner as said court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county, for the use of the road and bridge fund, with good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract, but said court shall have the right to reject any and all bids; and the said court shall have authority to employ any hands or teams to work on the road under such regulations and for such price as they deem best.

SEC. 3. The commissioners court of said county shall require all county convicts, not otherwise employed, to labor on the public roads, under such regulations as it may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and then on the cost for each day he may labor. The officers and witnesses shall be paid their costs as is now provided by the General Laws; said costs shall be paid by the officers and witnesses out of the road and bridge fund on the warrant of the county judge, when said fine and costs shall have been worked out in full. The commissioners court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior; provided, that such commutation in no case exceeds one-tenth of the whole time. The commissioners court may after a reward, not to exceed \$10.00 for the recapture of an escaped county convict which shall be paid out of the general fund, to the person recapturing said convict, except the person from whom said convict escaped. Said reward, when offered and paid, shall be taxed against said convict, with all other actual costs for recapturing and returning said convict, and said convict shall be required to pay said reward and other costs in recapturing and returning said convict. The commissioners court may provide the necessary houses, prison, clothing, bedding, food, medicine and medical attention and guards for the safe and humane keeping of convicts.

SEC. 4. Each county commissioner shall have control of all road overseers in his precinct, and shall deliver to each of them all teams, tools and machinery necessary in making the roads in the precinct of said overseer, so far as he has been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner, and shall fix the liability of the overseer and any commissioner as overseer who shall have them in custody with any teams, tools or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession. It shall be the duty of the road overseer when he has finished his work on the road, to return to said commissioner all teams, tools and machinery

received from him, and to take up the receipt given therefor. The road commissioner of each commissioners precinct shall have control of all persons liable to work upon public roads, and said road commissioners shall have full power and authority to call out all or any part of said persons at any time for special work without notice, and the overseer shall have the same power.

SEC. 5. It shall be the duty of a county commissioner when acting as road commissioner, to inform himself of the condition of the public road in his district, and shall determine what character of work shall be done upon said road, and shall direct the manner of grading, draining or otherwise improving the, which direction shall be overseer and obeyed by all road overseers in his district.

SEC. 6. The commissioner may require each road overseer in his precinct to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, unless the terms of services as prescribed by the Gen. Laws, shall be extended beyond that time; and provided, that all road hands in any particular district shall, as far as practicable, be marked a uniform time. Each road overseer shall have control of all hands within his precinct, and shall see that each hand, when called out shall perform a good day's work, and if any hand when so called out shall fail or refuse to perform a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. The commissioners court may allow to any overseer who shall be engaged in the discharge of the duties of his office for more than five days during any one year, a commission not to exceed \$1.50 per day for the time so served; provided, that such service shall be done under the written order of the road commissioner. When it shall become necessary for any road overseer to exchange the labor of any hand or hands for plows, scrapers wagons or teams, as provided by General Law, said overseer shall allow fifty cents per day for a wagon, scraper or plow and one dollar a day for a team.

SEC. 7. Any citizen of Brown county liable for road duty, who shall, on or before the first day of January of any year, pay to the county treasurer the sum of three dollars shall be exempt from road duty for such year, beginning on the fifteenth day of February. The treasurer shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund. The treasurer shall on the third day of January, or as soon thereafter as practicable, furnish to each county commissioner, a list of all persons in their respective precincts that have paid said sums as provided in this section.

SEC. 8. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening or draining any road, or part thereof, if the owner of such land and the county commissioners court cannot agree upon the damage to be paid, the county may proceed to condemn the same under the provisions now provided by the General Laws of the State in the same manner that a railroad company can condemn lands for right of way, and the same proceeding may be had and the same right shall exist to each party as if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 9. Each owner of a farm, or other land, upon which a hedge of



any description grows, on or near the public road, shall be required to keep the same trimmed that the same shall not obstruct said road. Any owner who shall fail or neglect to so trim such hedge, shall be notified in writing by the road overseer of that precinct to trim such hedge as herein required, and in such case, if such owner, after receiving such notice, fail or refuse to so trim such hedge within a reasonable time, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed twenty dollars per week from and after the time that he received such notice; such fine to be paid into the county treasury and to be placed to the credit of the road and bridge fund of said county.

SEC. 10. Each county commissioner, when acting as head commissioner, and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to \$2.50 per day for the services actually performed; provided, said sum to be paid him shall not exceed \$100.00 per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners court and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days' work actually performed by him and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner nor shall he receive any additional pay than that provided by this section for inspecting or riding over his road or for other road services.

SEC. 11. If any county convict shall escape from any person or persons having said county convict in charge for said county, said county convict so escaping shall be guilty of an offense and upon conviction shall be fined not less than ten or more than twenty-five dollars.

SEC. 12. This act shall be taken notice of by all courts in the same manner as the General Laws of the State, and it shall be construed cumulative of all General Laws of the State on the subject of roads and bridges when not in conflict therewith but in case of conflict, this act shall control as to Brown county.

SEC. 13. Whereas the road law of Brown county as it now exists, is so defective that the roads therein have not been and are not in good condition, and cannot be made so under the present law, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 25, nays 0; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 9th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

## KERR COUNTY--ROAD SYSTEM.

S. B. No. 286.]

CHAPTER LXXX.

An Act to create a more efficient road system for Kerr county, in the State of Texas and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such and providing that in case of the death refusal or inability to act, by any or all of said county commissioners then the commissioners court of said county shall appoint some competent citizen to fill such vacancy, and providing for the appointment of road overseers and their duties, and for the working of county convicts on the public roads of said county and providing for the payment of officers fees and rewards and penalties for said convicts, and for the working of delinquent poll and insolvent taxpayers on the public roads of said county, and providing for the summoning of hands for road work, and providing for the appointment of one road superintendent for each precinct for said county, or one for each commissioners precinct in said county and fixing penalties for the violation of this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the members of the commissioners court of Kerr county, shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court of said county, shall have charge of all the tools and machinery belonging to the county and placed in their hands by said county through its said commissioners court, and it shall be their duty under such rules and regulations as the commissioners court may prescribe to superintend the laying out of new roads and the building of bridges and the altering or changing of the existing roads. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such commissioner execute a bond of one thousand (1000.00) dollars, with two or more good and sufficient sureties thereon, payable to the county judge of said county, for the use and benefit of the road and bridge fund of said county, conditioned that they shall perform all the duties required of them by law or by the commissioners court, and that they will account for all money or property belonging to the county that may come into their possession. In case of the death, refusal or inability to act of either of said commissioners as herein provided, it shall be the duty of the commissioners court of said county to appoint some competent citizen of said county, residing in the precinct in which such vacancy may occur, and such appointee shall have the same powers and authority as are hereby given to road commissioners and shall receive the same pay as are provided for such commissioners and said appointment shall be for the unexpired term of such commissioner.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty to adopt such system for working laying out and draining and repairing the public roads in said county as it may deem best, and from time to time said court may change its plan or system for working the same. The commissioners court of said county shall have power to purchase such tools and machinery as may be necessary for the working of its roads, said court shall have the power to construct, grade, drain or otherwise improve any road or bridge by contract, in such case said court, if they deem it necessary, or the county judge of said county, may advertise in such manner as the court may determine, for bids to do such work, and the contract shall be

awarded to the lowest responsible bidder, who shall enter into bond payable to the county judge of said county for the use of the road and bridge fund with good and sufficient surety, to be approved by said court and in such sum as the court may determine, for the faithful compliance with the terms of said contract; but said court shall have the authority to employ any hands or teams to work on the road, under such regulations and for such price as they may deem best.

SEC. 3. The commissioners court of said county may require all able-bodied county convicts, not otherwise employed, to labor upon the public roads of said county, under such regulations as said court may prescribe for the working of county convicts within the limits of said county, and each convict so worked shall receive a credit of fifty cents on his fine and costs for each day he may so labor. Said court may provide such reasonable regulations and punishment as may be necessary to require such convicts to labor; but no convict shall be worked on Sunday or when he is physically unable to perform a day's work. The commissioners court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service, and good behavior, in no case to exceed one-fifth of the whole time. Said court may provide the necessary houses, provisions, clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts. The commissioners court may, at any regular term, allow to the officers and witnesses in a convict case where the convict has worked upon the road such portion of their lawful costs as it may determine, not to exceed in any case more than one-half of such costs, and no fees shall be paid until said fine and costs shall have been worked out by the convict as provided in this act; provided, that this shall not be construed as to relieve any convict from the payment of all costs for which he would be liable under the General Laws of this State.

SEC. 4. Each county commissioner shall have control of all road overseers in his precinct, and shall deliver to each of them all tools and machinery necessary in working the roads in the precinct of said overseer, so far as he has been supplied therewith by the commissioners court, taking receipt of said overseer therefor, specifying each item and giving its value, which receipt shall be a full answer of the liability of the commissioner and shall fix the liability of the overseer and any commissioner or overseer who shall have been entrusted with any tools or machinery belonging to said county shall be liable for any damage that may occur to the same while in his possession caused by his negligence or want of due care of same, and shall not use or permit the same to be used for private purposes without the consent of the commissioners court; it shall be the duty of the road overseer, at the expiration of his term of office, to return to said commissioner all tools and machinery received from him and take up the receipt therefor given by him.

SEC. 5. It shall be the duty of the county commissioner, when acting as road commissioner, to inform himself of the condition of the public roads in his district, and shall determine what character of work shall be done upon said roads, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all overseers in his said district.

SEC. 6. The commissioners when acting as road commissioners in their respective precincts, may require of each road overseer in his said

precinct to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding three days in any one year or one day and a half with himself and team, unless the term of service, as prescribed by the General Laws, shall be extended beyond that time; and provided, that all road hands in the county shall, as far as practicable, be worked a uniform time. Each road overseer, or in case of his absence or inability to act, any person deputized by him with the consent and approval of the road commissioner of his precinct, shall have full control of all road hands within his precinct, and shall see that each hand when called out shall perform a fair day's work, or work in the manner the road overseer may direct; and if any hand when so called out shall fail or refuse to perform a good day's work or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 7. Any citizen of Kerr county liable for road duty who shall, on or before the first day of February of each year, pay to the county treasurer of said county the sum of three dollars shall be exempt from all road duty for such year beginning on the first day of February. The county treasurer shall receive and receipt for all money so paid him, and shall place the same to the credit of the road and bridge fund; the county treasurer shall on the tenth day of February or as soon thereafter as practicable furnish to each commissioner a list of all persons in their respective precincts that have paid said sum as provided in this section, and each of said persons shall not be liable under any summons for work on the public roads for the ensuing year.

SEC. 8. The commissioners court of said county shall, as far as practicable, expend the money upon the roads and bridges and improvements in the public roads and bridges for the benefit of the sections of the county in proportion to the amounts paid in from the different sections of said county, and all sums of money in the road and bridge fund of the county shall, as far as practicable be so expended.

SEC. 9. Every person liable to work on roads under the General Laws of the State, by paying his road overseer, or the road commissioner, at any time on or before the day appointed to work on his road, the sum of one dollar for each day that he is summoned to work, shall be exempt from working for the time for which he has so paid.

SEC. 10. Each person summoned to work on a road shall take with him an ax, hoe, pick, spade, plow, scraper, or such other tool as may be desired and directed by the overseer, or if he has no such tools as are desired by the overseer, to take with him, he shall take such other suitable tools as he may have.

SEC. 11. If any person liable to work on the public roads, after being legally summoned, shall intentionally fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to pay to such road overseer or the road commissioner the sum of one dollar for each day he may be summoned to work on the road, or having attended shall fail to perform such fair service, or any other duty required of him by law or the person under whom he may work, shall be deemed guilty of a misdemeanor and on conviction thereof may be fined in any sum not exceeding \$10.00.

SEC. 12. The road commissioner of each precinct in said county, shall

obtain from the tax collector of said county as soon after the first day of February of each year as practicable, and before the first day of May thereafter, a full list of all persons indebted to said county for poll taxes and taxes on personal property, or either, for the previous year, and from whom said taxes cannot be otherwise collected by law, and the persons so appearing on said list and who are so delinquent shall be subject to road duty for such a time until said indebtedness shall be discharged at the rate of fifty cents per day for each day they may so work on the public roads, and they shall be summoned as in other cases, to work the roads in the precinct in which such person may reside; and the performance of the road service provided for in this section shall not exonerate the persons performing the same from any other duty to which they may be subject, but this shall be taken as cumulative. No person shall be required to so work on the roads who is not physically able to perform a day's work on such roads, or who is exempt from road duty under the General Laws of the State. The persons required to do duty under the provisions of this section shall be subject to prosecution as provided in Section 11 hereof or other laws of this State, and subject to the same liabilities and punishments provided for in other cases for failing to appear or do good work, when summoned so to do, as provided for in said Section 11 hereof, or other laws of this State, and all such laws shall apply to parties required to work under the provisions of this section. And when they are convicted for so failing to work the roads, shall satisfy the fine and costs as in other misdemeanor convictions. But any person summoned to work under the provisions of this section may satisfy such summons and be relieved from such duty by paying to the road commissioner or road overseer the full amount of the delinquent county taxes due by him with interest and penalty due thereon, as prescribed by law. Whenever any such person shall discharge his delinquent taxes, as herein provided, it shall be the duty of the road overseer or road commissioner, to report the same back to the tax collector, who shall report to the commissioners court; for making out said delinquent list and making said report to the court said tax collector shall be exempt from road duty.

SEC. 13. At the regular term in February each year of the commissioners court of said county, all road overseers of said county shall make their reports to said court, upon forms to be furnished by the commissioners court; said reports shall state the condition of their roads, number of hands, and names of each hand subject to road work, and the number of days that each hand has worked, the number of hands who have made the payment provided for in Section 7 of this act in lieu of labor, the amount of all money received and expended by him, and if there is a balance on hand it shall be turned over to his successor in office to be paid out for work on said roads; said report shall be sworn to before some officer authorized to administer oaths; said reports shall be examined by the commissioners court, and if they be found correct, shall be approved by said court, and as soon thereafter as practicable the said commissioners court shall appoint and commission road overseers for the succeeding year, and in case of the death, refusal or inability to act on the part of any road overseer so appointed, the county commissioner of the precinct shall have authority to fill the vacancy, and report his action in writing to the county clerk who shall record the same in the

minutes of the commissioners court, either in term time or vacation. Any overseer intentionally failing to perform his duty as such overseer or failing or refusing to make his report as required by law, or failing or refusing to serve and perform the duties of overseer when appointed by said court, if not legally exempt, or failing to comply with the law in any way concerning his duty as overseer, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than \$25.00.

SEC. 14. Whenever it shall be necessary to occupy any land for opening, widening, straightening or draining any road or part thereof, if the owner of such land and the commissioners court cannot agree upon the damages to be paid, the county may proceed to condemn the same in the same manner that a railroad company, under the laws now existing or hereafter passed, may condemn land for right of way, and the same proceedings may be had and the same rights shall exist to such party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided that nothing contained in this section shall be held to repeal the provisions of the general law relating to the opening of public roads by juries of view; this section shall be held to be cumulative thereof, and the commissioners court of Kerr county may act under such general law or the provisions of this section, at their option in such case.

SEC. 15. Each county commissioner when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to \$2.00 per day for the services actually and necessarily performed; provided, that he shall not draw such pay for more than ten days per quarter nor more than \$80.00 per annum, which amount shall be paid out of the road and bridge fund, when the same shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the said account is just due and unpaid, and itemizing the days when, and on what road he actually performed the service as road commissioner, and that the same was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner or while going to or returning from the commissioners court of said county, nor shall he receive any additional pay than that provided for by this section for inspecting the roads in his district or for other road services.

SEC. 16. The commissioners court of said county may at any regular term thereof, abolish the office of road commissioner as provided for in Section 1 hereof, and may appoint one road superintendent for such county or one superintendent in each commissioners precinct, and said court is authorized by an order made at any regular term thereof to determine whether there shall be one road superintendent for the county or one for each commissioners precinct; and said superintendent or superintendents, shall have the same power and authority as is herein given to road commissioners and shall be governed by this act as well as the General Laws of this State when not in conflict therewith.

SEC. 17. The term "road" as used in this act, includes road bed, ditches, drains, bridges, culverts, and every part of such road; the term "mark" and "marking" included the opening and laying out of new roads, widening, constructing, draining, repairing and everything else that may be done in and about any road.

SEC. 18. This act shall be taken notice of by all courts in the same manner as the General Laws of this State, and shall be construed to be cumulative of all General Laws of the State, on the subject of roads and bridges, when not in conflict therewith, but in case of conflict this act shall control as the county of Kerr.

SEC. 19. The fact that this session of the Legislature is rapidly drawing to a close and the condition of the road system of Kerr county is such as to require immediate action, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 23, nays 0; and passed the House of Representatives by two-thirds vote, yeas 102, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 9th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Became a law April 20, 1901.

## COLORADO COUNTY—ROAD SYSTEM.

S. B. No. 248.]

### CHAPTER LXXXI.

An Act to create a more efficient road system for Colorado county, making the county commissioners of said county ex-officio road commissioners; prescribing their duties as such, and providing for their compensation as such road commissioners; providing for the working of county convicts on the public roads of said county; to authorize the commissioners court to enact reasonable rules, regulations and punishments necessary for the government, control and discipline of said convicts, and for effectually securing and utilizing their labor; providing for the payment of costs due officers in misdemeanor convict cases; providing for commutation of time of convicts as a reward for faithful service and good behavior; providing for a reward not to exceed ten dollars, to be offered for the arrest and conviction of escaped county convicts, and taxing such reward and all actual costs necessarily incurred in the recapture and conviction of such convict against such convict; making it a penal offense for a county convict to escape from any person having him in charge for the county, and providing for a penalty for such escape; providing for the trimming of hedges by the owners of land adjoining public roads, and providing a penalty for failure to trim such hedges; providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons; providing for the condemnation of land for public road purposes; providing for the working of delinquent poll taxpayers on the public roads; providing for the appointment of road overseers and defining their powers and duties, and providing for penalties for persons failing to work the roads when warned, and for persons failing to do good work, or to work in the manner prescribed by the commissioner or road overseer; providing for the summoning of persons with teams, plows, scrapers and wagons to work in connection with the county's regularly organized road gang, or to repair roads in the precincts; providing for working convicts either upon the roads or the county farm, or partly upon both, in the discretion of the commissioners court; and providing for making such laws cumulative to the General Laws of the State, and in case of a conflict the special law is to apply to Colorado county Texas.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That each member of the commissioners court of Colo-

rado county shall be ex-officio road commissioner of his respective district, and under direction of the commissioners court, shall have charge of all teams, tools, implements and machinery belonging to said county and placed in his hands by said court, and it shall be his duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building or repairing of bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to the bond now provided by law, execute a bond in the sum of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of said county, for the use and benefit of the road and bridge fund, conditioned that he will perform all the duties required of him by law or by the commissioners court, and that he will account for all money or property belonging to the county as may come into his possession; which bond shall be approved by the county judge.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty, to adopt such system for laying out, building, grading, graveling or repairing the public roads in said county, and for building or repairing the bridges therein, as it may deem best, and to purchase such material, teams, tools, implements and machinery as may be necessary for such work, and to hire men, teams and implements when necessary, under such regulations, and for such price as it may deem best, and from time to time the said court may change its plan or system or working.

SEC. 3. The commissioners court of said county may require all county convicts not otherwise employed, to labor upon the public roads, and such convicts thus employed, shall receive a credit of twenty-five cents per day, first upon the fine, and then upon the cost, for each day he may so labor. The commissioners court may, at any regular term, allow to the officers and witnesses in a convict case such portion of their lawful cost as it may determine, not to exceed in any case, seventy-five per cent. of the legal fees due the officers, and twenty-five per cent. of legal witness fees; which allowance shall be paid out of the road and bridge fund of the county upon the warrant of the county judge, when the fine and costs adjudged against the convicts shall have been satisfied in full by labor; provided, that this shall not be construed so as to relieve any convict from the payment of all costs for which he may be liable under the General Laws of the State. Nothing in this act shall be construed so as to deprive the commissioners court of the right to have convict-labor a part or all their time upon the county farm, but authority is herein expressly given said court to require convicts to labor, in payment of fines and costs, either upon the county farm or upon the public roads, or partly upon both as to said court may seem best and the provisions of this act shall apply as far as practicable in all cases where convicts labor upon the county farm as well as upon the public roads.

SEC. 4. The commissioners court of said county may provide and enact such reasonable rules, regulations and punishments as may be deemed necessary for the government, control and discipline of said convicts and for effectually securing and utilizing their labor; and may provide such houses, tents, prisons, clothing, bedding, food, medicine and medical attention and superintendence and guards as may be deemed necessary for the humane and safe keeping of the convicts. The com-



missioners court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior, in no case to exceed one-tenth of the whole time. The commissioners court may offer a reward not to exceed ten dollars for the recapture and conviction of an escaped county convict, which shall be paid out of the general fund of the county, to any person securing such recapture and conviction, other than the person from whom such convict escaped; said reward when paid to be taxed against the convict and to be paid by him as other costs incurred and adjudged against him upon his trial.

SEC. 5. If any county convict shall escape from any person or persons having said convict in charge for said county, said county convict so escaping shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five nor more than twenty-five dollars, and may also be punished by confinement in the county jail not exceeding thirty days during which time he may be put at hard labor.

SEC. 6. It shall be the duty of each county commissioner when acting as road commissioner to inform himself of the condition of the public roads in his district and subject to the rules, regulations and orders of the commissioners court he shall determine the character of the work to be done upon the same and shall direct the manner of grading, graveling, draining or otherwise improving the same which directions shall be observed and obeyed by all road overseers in his district.

SEC. 7. The road commissioner shall have control of all road overseers in his district and such overseers shall call out the hands and teams in their respective precincts in such numbers and at such times and places as may be required by the road commissioner to work in connection with the county's regular organized road gang or in building or repairing roads and bridges; but no road hand shall be required to work exceeding five days in any one year or two days with himself and team and unless the term of service as prescribed by the General Laws shall be extended beyond that time; and provided that all road hands in any particular district shall as far as practicable be worked a uniform time. Under the direction of the commissioner each road overseer shall have full control of all road hands within his road precinct and shall see that each hand when called out, shall perform a good day's work, and if any hand, when so called out, shall fail or refuse to do a good day's work or to work in the manner the commissioner or road overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons.

SEC. 8. Every person liable to work on the public roads shall take with him an ax, hoe, pick, spade, shovel, plow, scraper, or such other tools as may be desired or directed by the overseer, or if he has no such tools as are desired or directed by the overseer to take with him, he shall take such other suitable tools as he may have. Such overseer shall also summons and require such road hand to bring with him for road work, such team or teams as he may have on hand, suitable for road work; provided, such hands shall be allowed  $2\frac{1}{2}$  days time for each day put in by a hand and his team and  $1\frac{1}{2}$  day's time for his team without such hand.

SEC. 9. If any person liable to work on the public roads, after being legally summoned as provided by the General Laws of the State, shall fail or refuse to attend in person or by an able or competent substitute or fail or refuse to furnish his team or tools at the time and place desig-

nated by the person summoning him, or to pay to the overseer the sum of one dollar for each day summoned to work, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than one nor more than ten dollars, and each day of such failure shall constitute a separate offense.

SEC. 10. At the regular term of the commissioners court in February of each year, all road overseers shall make their reports under oath upon forms to be furnished them by said court which said report shall be examined by said court and as soon thereafter as practicable, said commissioners court shall appoint and commission road overseers for the succeeding year and in the event of the removal, death, refusal, failure or inability to act on the part of any road overseer so appointed, the commissioner of the precinct shall have authority to fill the vacancy and report his action in writing to the county clerk who shall record the same in the minutes of the commissioners court, either in term time or vacation.

SEC. 11. If any road overseer shall fail or refuse to perform his duties as such, as required by law, or the commissioners court, or by the road commissioner of the district, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum, not less than five nor more than twenty-five dollars.

SEC. 12. Every poll taxpayer of Colorado county who shall fail to pay his poll tax, as required by law, shall be compelled to pay such tax by working upon the public roads of said county for three full days. In order to enforce the provisions of this section, the tax collector of Colorado county shall furnish the commissioners court of the county at the regular term in the month of May of each year, the names of all delinquent poll taxpayers of the county, giving the place of residence of such delinquent poll taxpayers; and each road commissioner shall require the road overseers of his district to warn and call out such delinquent poll taxpayers to work upon the public roads at such times and places as he may designate and it shall be the duty of each road commissioner, whenever any delinquent poll taxpayer shall have discharged and paid the same as herein provided, to report the same to the collector, who shall credit the party upon the tax rolls with the amount of his poll tax so paid. The road commissioner shall also report the same to the commissioners court. The persons required to do road duty under the provisions of this section shall be subject to prosecution for failure to so work, and subject to the same liabilities and punishments provided by this act for failure to appear and do good work when summoned so to do, and when they are convicted for so failing to work the roads they shall satisfy the fine and costs as in other convictions of misdemeanors; but any person summoned to work on the road under the provisions of this section, may satisfy said summons and be relieved from said duty by paying to the road commissioner of his district the sum of three dollars, all of which shall go to the road and bridge fund of the county. This section shall apply as well to the delinquent poll taxpayers in the incorporated cities and towns of Colorado county as to those outside of said cities and towns.

SEC. 13. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, grading, making embankments, filling or draining any road or part thereof, if the owner of such

land and the county commissioners court can not agree upon the damage to be paid, the county may proceed to condemn the same in the same manner that a railroad company can condemn land for right of way, and the same proceedings may be had and the same rights shall exist to each party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond.

SEC. 14. Each owner of a farm or other lands upon which a hedge of any description grows, on or near the public road, shall be required to keep the same so trimmed as not to obstruct said road; any such owner who shall fail or neglect to so trim such hedge shall be notified in writing by the road overseer of that precinct or the road commissioner to trim such hedge as is herein required, and if such owner shall fail to so trim such hedge within ten days after receiving such notice he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five nor more than twenty-five dollars; and each week of such failure to trim such hedge, shall constitute a separate offense; such fine or fines when collected to go to the road and bridge fund of the county.

SEC. 15. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to two dollars and fifty cents per day for services actually performed; provided, that he shall not receive more than \$75.00 for any one quarter, which amount shall be paid out of the road and bridge fund of the county when the account shall have been approved by the commissioners court and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specify the number of days work actually performed by him and that it was necessary to be done, and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of a county commissioner.

SEC. 16. This act shall be taken notice of by all the courts in the same manner as the General Laws of the State and it shall be construed to be cumulative of all General Laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control in Colorado county.

SEC. 17. The fact that there is now no sufficient general road law in force in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended; and this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 21, nays 0; and passed the House of Representatives by two-thirds vote, yeas 102, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 9th day of April, A. D. 1901, but was not signed by him not returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Became a law April 20, 1901.

### M'CULLOCH COUNTY—RESTORE JURISDICTION TO COUNTY COURT OF.

S. B. No. 208.]

CHAPTER LXXXII.

An Act to restore civil and criminal jurisdiction to the county court of McCulloch county, to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the civil and criminal jurisdiction heretofore belonging to the county court of McCulloch county under the Constitution and General Laws of the State, be and the same is hereby restored to the county court of said county and the jurisdiction of the district court of said county shall conform to this change.

SEC. 2. The near approach of the close of the present session of the Legislature and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby so suspended, and this act shall be in force and take effect from and after its passage; all laws and parts of laws in conflict with the provisions of this act are hereby repealed, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 0; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 2d day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

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### ANGELINA COUNTY—RESTORING JURISDICTION TO COUNTY COURT.

S. B. No. 249.]

CHAPTER LXXXIII.

An Act to restore and confer upon the county court of Angelina county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; and to repeal all laws and parts of laws in conflict with this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the county court of Angelina county shall hereafter have exclusive original jurisdiction in civil cases wherein the matter in controversy shall exceed in value two hundred dollars and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district court of said county when the amount

in controversy shall exceed five hundred dollars and not exceed one thousand dollars, exclusive of interest.

SEC. 2. Said county court shall have appellate jurisdiction in civil cases over which justice's courts have original jurisdiction, when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars, exclusive of interest, and said county court shall have power to hear and determine cases brought up from justice's court by certiorari under the provisions of the title of the Revised Statutes relating thereto.

SEC. 3. The county judge of said county shall have authority either in term time or in vacation, to grant writs of injunction, sequestration, mandamus, garnishment, attachment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the district court, or judge thereof.

SEC. 4. That said court shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards; grant letters testamentary and of administration; settle accounts of executors, administrators and guardians; transact all business pertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of estates of deceased persons; and to apprentice minors as provided by General Law, and to issue all writs necessary for the enforcement of its jurisdiction, orders and decrees.

SEC. 5. Said county court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases of which said court has original or appellate jurisdiction.

SEC. 6. Said county court shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except misdemeanors in which the highest penalty that may be imposed by law is a fine that does not exceed two hundred dollars; and said court shall have concurrent jurisdiction with that of justices of the peace in criminal cases, and appellate jurisdiction with trial *de novo* in criminal cases in which justices of peace and other inferior tribunals of said county have original jurisdiction.

SEC. 7. The district court of said county shall no longer have jurisdiction of misdemeanors, except misdemeanors involving official misconduct, and shall no longer have jurisdiction of cases of which the county court of said county by provisions of this act has original or appellate jurisdiction.

SEC. 8. It shall be the duty of the district clerk of said county, within thirty days after this act shall take effect, to make full and complete transcripts of orders on the criminal and civil dockets then pending before the district court of said county, of which cases by the provisions of this act original and appellate jurisdiction is given to the said county court, and to deliver said transcript, together with the original papers and a certified bill of costs in each case, to the county clerk of said county and the said county clerk shall file the same and enter said cases as appearance cases on the respective dockets for trial by said court.

SEC. 9. The said county court shall also have the power to hear and

determine all motions against sheriffs and other officers of the court for failure to pay over monies collected under the process of said court, or other defalcations of duty in connection with such process, and shall have power to punish by fine not exceeding one hundred dollars, and by imprisonment in the county jail not exceeding three days, any person guilty of contempt of said court, and all other powers and jurisdiction conferred on county courts by the Constitution and General Laws of this State.

SEC. 10. The terms of said court shall commence on the second Monday in January and on the second Monday in April and on the second Monday in July and on the second Monday in October of each year, and may continue in session for three weeks each term; provided, that the county commissioners court of said county may hereafter change the terms of said court whenever it may be deemed necessary.

SEC. 11. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 12. The importance of restoring without delay the jurisdiction of the county court of said county, creates an emergency and an imperative public necessity that the law requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is hereby so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 23, nays 0; and passed the House of Representatives by two-thirds vote, yeas 99, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 9th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Became a law April 20, 1901.

## HARRIS COUNTY—ROAD SYSTEM.

S. B. No. 280.]

### CHAPTER LXXXIV.

An Act to create a more efficient road system for Harris county in the State of Texas, and authorizing the improvement by the commissioners court of the abutments and approaches to public buildings and the paving of streets connecting the county paved roads with the nearest paved street, validating a bond election authorizing the issuance of six hundred thousand (\$600,000) dollars in bonds for road and bridge purposes; emergency clause.

*Be it enacted by the Legislature of the State of Texas:*

That, whereas, heretofore, to-wit: on the 19th day of May, 1900, by virtue of authority of the law enacted by the Twenty-third (23) Legislature, Chapter 72, General Laws of 1893, passed in regular session and by virtue of Chapter 149 of the Laws of 1899 passed at the regular session of the 26th Legislature the commissioners court of Harris county entered of record on the minutes of the commissioners court a resolution

setting forth that public roads bridges of a lasting and permanent character should be constructed or built in said county, and that the county should issue its bonds in the sum of six hundred thousand dollars for said purpose, and

Whereas, said resolution was submitted to the vote of the property owners of said county at a regular election held thereon, on to wit: the 6th day of November 1900, which election was ordered by the commissioners court for that purpose, and of which election proclamation was made and due notice given according to the law, and

Whereas, due return of said election was made by the managers of said election and returning officers thereof to the county commissioners court, which returns were opened and canvassed by the commissioners court of Harris county and the result of said election found and declared to be "for the issuance of bonds 3880 votes," and "against the issuance of bonds 1450," upon which finding said commissioners court entered an order declaring said proposition carried; and

Whereas, the proposition to issue said bonds contained the proviso that said bonds should bear interest at three (3) per cent. per annum with interest payable semi-annually while the act under which this issue of bonds was attempted to be made provides for the payment of the interest annually; and

Whereas, the proposition to issue the bonds provided that the form of the ballot should be "for the issuance of bonds" and "against the issuance of bonds" and ballots so worded were used in and at said election while the law under which these bonds were attempted to be issued provided that said ballots should contain the words "for the resolution to issue bonds to build permanent roads and bridges" and "against the resolution to issue bonds to build permanent roads and bridges." Which irregularities are trivial and technical and do not affect the *bona fide* of the transaction; and,

Whereas, the proposition to issue bonds in the sum of six hundred thousand (600,000.00) dollars for road and bridge purposes was submitted at a general election to the property taxpaying voters of Harris county and carried by a majority of 2430 votes in favor of the issuance of said bonds and said vote was returned as by law required, and the commissioners court opened and tabulated said returns and declared the result, and the county judge thereafter issued his proclamation declaring the result of said election and posted the same for at least thirty days; and

Whereas, a special road tax as authorized by Chapter No. 7, Title 97, of the Revised Statutes of 1895, has heretofore been authorized by popular vote; and,

Whereas, in the presentation to the taxpaying voters of the proposition to issue bonds it was fully and clearly explained that the fund collected for account of said special road tax would be utilized in the payment of the principal and interest of the bonds and said bonds were voted under the full belief that said special tax would be so used.

It is enacted as follows:

SECTION 1. Said resolution, acts and orders of the commissioners court, entered, done and passed in connection with or concerning the issuance of six hundred thousand dollars road and bridge bonds, and the election held under said resolutions and orders, and the return of said elec-

tion, and the tabulation thereof, and the declaration of the result of same are here now in all things validated and made of as binding force and effect as if the technical irregularities and want of strict compliance with the legislative enactment had not occurred; and the commissioners court of Harris county State of Texas, is authorized to prepare and execute the bonds of the county in the sum of six hundred thousand (\$600,000.00) dollars to bear three (3) per cent. interest per annum, payable annually; which bonds shall be redeemable not less than ten years nor more than forty (40) years from the date thereof. Said bonds shall be six hundred (600) in number and shall be numbered from one to six hundred inclusive and shall be of the denomination of one thousand (\$1,000.00) dollars each and shall have attached thereto interest coupons and shall be known and styled, "Harris county Road and Bridge Bonds."

SEC. 2. At the time of the issuance of the bonds authorized by this act, the commissioners court of Harris county shall provide for the payment of the interest on said bonds and for a sinking fund sufficient to pay off said bonds at their maturity by appropriating from the tax heretofore levied under and by authority of Chapter 7, Title 97 of the Revised Civil Statutes of 1895 for special road and bridge purposes, such amount of said tax as will be sufficient for said purposes.

SEC. 3. Said bonds shall be signed by the county judge countersigned by the county clerk and registered by the county treasurer before delivery, and the county treasurer shall keep an account of the amount of principal and interest paid on each bond and no bond shall be sold for less than par, and before said bonds shall be offered for sale they shall be approved by the Attorney General and registered by the Comptroller of the State.

SEC. 4. The commissioners court of Harris county shall have the option of disposing of the entire six hundred bonds herein authorized, or of selling any part of said issue, and in the event that they elect to dispose of only a part of such issue they shall have the power to invest in said bonds the permanent school fund of Harris county, and the excess which may now exist, or which may hereafter accumulate in the sinking fund of any of the outstanding bonds of said Harris county, (including the sinking fund which will accrue for the payment of the bonds herein authorized); provided however, that the interest coupons shall never be detached from the bonds so sold to or deposited in any sinking fund while remaining in said fund; and provided further that when said bonds have been so sold to or deposited in any of the sinking funds of said Harris county and where cash is needed for said sinking fund so invested, said bonds shall be then sold for the benefit of said sinking fund so invested.

SEC. 5. The commissioners court of Harris county may utilize the fund arising from the sale of the bonds herein authorized for the purpose of building and constructing roads and bridges of a permanent and lasting character, and the construction of necessary drain ditches and canals the site of proposed roads, and to drain established roads after their construction, and the cleaning out, straightening and deepening of the bayous, waterways and natural drains in the county, and this work or any part of it may be done by contract or by the commissioners court and under their supervision.

SEC. 6. When the work is done by contract, bids shall be invited by



publishing advertisements in a newspaper or newspapers and the contract shall be awarded to the lowest and best bidder, provided, however, the commissioners court shall have the right to reject any and all bids.

SEC. 7. The commissioners court in all cases where they may determine to build, erect or construct any road, bridge, ditch, canal or drain by other methods than by contract after advertisement, shall have the power to do so, and the power to purchase or cause to be purchased suitable appliances, paraphernalia, tools, implements and machinery, and all material necessary in the construction and to have said work done under the supervision of the commissioners court and they shall have the right to appoint such superintendent, inspectors and supervisors of said work as in their judgment may be necessary.

SEC. 8. All roads and bridges built under the provisions of this act shall be laid out and constructed under the supervision of the county commissioners court and the county surveyor or some other competent person to be employed by the county for that purpose.

SEC. 9. The commissioners court shall have the power to expend whatever may be necessary of the funds arising from the sale of the bonds herein authorized for the following purposes in addition to those hereinbefore enumerated, to wit: They may in their discretion pave the street approach to Harris county court house and jail and may pave the street on either side of the court house square in Houston upon which the court house abuts, and in their discretion and with the consent of the city council of the city of Houston, they may pave the street or streets intervening between the paved county roads and the nearest paved street in the city of Houston.

SEC. 10. When it shall be made to appear to the commissioners court that the same is necessary for the better drainage of any public road or roads within Harris county, that the ditches along the right-of-way of any railroad company in Harris county should be opened and cleaned out and the bar pits along said right-of-way emptied and drained, the commissioners court may, by an order entered upon the minutes at a regular or special term of the commissioners court require any railway company whose ditches are so faultily constructed, or so out of repair as to impede the easy and rapid flow of water accumulating on, along and near their right-of-way to the nearest bayou, gully outlet or water course, and it shall be the duty of said railway, in reference to which said order is made and entered, within sixty days after the receipt of a certified copy of said order left at the general office of the company, or served upon any one of its agents at Houston, to commence the work so ordered to be done and to continue such work with reasonable dispatch until its completion to the satisfaction of the commissioners court, and in the event that said railroad company, its officers and agents fail to comply with the terms of said order, and fail to commence said work within sixty days, and finish the same within a reasonable time, the commissioners court shall have said work performed, keeping an accurate account of the money expended upon said work, and said money so expended may be recovered from the railroad company along whose right-of-way said work was done, at the suit of the county for the benefit of its road and bridge fund, in any court of competent jurisdiction in Harris county.

SEC. 11. Whenever it shall be necessary to occupy any land for the purpose of opening, widening, straightening, grading, making embankments, filling or draining any road or part thereof, if the owner of such land and the commissioners court cannot agree upon the damages to be paid, the county may proceed to condemn the same in the same manner that a railroad company under the law now existing or hereafter passed, may condemn land for right-of-way, and the same proceedings may be had and the same rights shall exist to such party as would exist if the proceedings were by a railroad company, except that the county shall in no case be required to give bond; provided, that nothing contained in this section shall be held to repeal the provisions of the General Law relating to the opening of public roads by jury of view; this section shall be held to be cumulative thereof, and the commissioners court of Harris county may act under General Law or the provisions of this section at their option in each case.

SEC. 12. Whenever the commissioners court of said county may deem it best to build or construct, or cause to be constructed or built, lasting or permanent roads in the county, or grade, pave, gravel, or otherwise improve such road, by contract or otherwise, and they find it necessary to widen the road or to make as straight a road as is practicable, said court shall have power and may employ a competent surveyor, who shall be an engineer, to make a proper survey of such road or so much thereof as said court may deem necessary to be built, constructed or otherwise improved, together with the frontage of said tract of land abutting on said road.

SEC. 13. The surveyor shall, as soon as practicable after his employment proceed to make an accurate survey and system of levels of the necessary grade line of said road and shall cause substantial stakes to be placed along said line at intervals of 100 feet, together with such intermediate stakes as may be necessary, numbered progressively, and shall establish permanent marks along said lines at intervals of one mile or less, as may be necessary, and establish by stake or monument of a different character and appearance from all other stakes and monuments, the highest point upon said road between natural water courses crossed by the road; said surveyor shall also measure and establish by suitable marks the frontage of each tract of land abutting on said road, and ascertain and give the names of each owner thereof and if there be a natural water way adjacent to the line of said road and the same is necessary to be utilized as an outlet to lead the water at any point from said road and its ditches, the surveyor shall measure the distance to the same, and run the line of levels thereto from the nearest point on said road and ditch. He shall prepare a map showing the location of said road, together with the position of stakes or monuments with numbers corresponding with those on the ground and the position of the marks with the elevations referred to.

Said map shall also show the lines and distance of frontage of adjacent land and name of the owner and the course and distances to any adjacent water course, together with a profile of the line of the road which shall show the assumed datum, the natural grade line of the road and the proposed grade line of the road, not to rise or fall in lineal course more than fifteen inches to the sixteen and one-half feet; and the said map, or the explanation of the same shall, in tabular form, give the height

of grade, width at bottom and width at top and at each one hundred feet stake or monument upon the following basis or datum: For first-class roads entire width to be sixty feet, grade twenty feet wide at bottom; second-class roads to be fifty feet wide, grade sixteen feet at the bottom; third-class roads thirty feet wide, grade fifteen feet wide at the bottom. Said map or explanation to the same shall show the total number of yards to be excavated and number of yards to fill, and an estimate of the cost of each portion of the road lying between each five hundred feet stake or monument, together with an estimate of total cost of the whole work for said road and proper drainage; and the surveyor shall as soon as the survey is completed, prepare and file together with his report and map as herein provided for specifications in detail for the execution of the same together with the statement of the location of all necessary culverts for drainage and the dimensions and character of material required therefor. The survey, report map, explanation, specifications and estimates herein provided for shall be filed by the surveyor with the clerk of the commissioners court, as soon after his employment as may be practicable, having in view an accurate and complete report upon the physical conditions of said road or section thereof.

SEC. 14. At a regular called or special session of the commissioners court after the filing of the surveyor's report, map, explanation, specifications and estimates of the surveyor provided for in this act, if it shall appear to the court that it be necessary to occupy any lands adjacent to any public road now existing or hereafter adopted or surveyed, for the purpose of opening, widening, straightening, extending, grading and draining, or either, any such road or any part thereof, if the owner of such land and the county cannot agree upon the damages, if any, to be paid, the county may proceed to condemn the same as herein provided for in Section 11 of this act, or the court may appoint five freeholders of the county, not interested directly in the construction of the proposed work as a land owner adjacent to or abutting on said road, and not of kin to any of the parties so directly interested therein, who shall constitute a jury of view, who shall meet at a time and place to be specified by said court in the order appointing them, and the clerk of the court shall thereupon issue to each of said jury of view a copy of the order of the court and a precept to the sheriff to serve the same upon the jurors within ten days after such order was made, and the sheriff receiving such copies shall serve the same upon the jurors by delivering to each of them in person a copy of the order provided for, or by leaving such copy at the usual place of abode of such juror within ten days after the sheriff receives the copies, and he shall make his return to the clerk on the precept, stating the date and manner of service, or if service has not been made stating the cause of his failure to make the same; and any juror summoned as such who shall fail or refuse to perform the service required of him by law as such juror shall forfeit and pay for every such failure the sum of ten dollars, to be recovered by judgment upon suit of the county attorney in the name of the county in any court of competent jurisdiction of the county in which such defaulter may reside. The jury of view shall proceed with the county surveyor, who shall take with him the original report, map, explanation, specifications and estimate of the surveyor, for the use of the jury at the time and place specified in the order of the court appointing them, after notice has been given to

each abutting land owner as hereinafter provided, and after having taken the following oath before any officer authorized to administer the same, to wit: "I do solemnly swear that I am not directly interested in the construction of the proposed road, nor in any lands abutting on the same, and that I will assess the damages to the land owners, if any there be, according to law without bias or prejudice, malice or hatred, to the best of my knowledge and ability, so help me God." And after viewing the road and abutting lands surveyed by the engineer, and after hearing all protests, claims and remonstrances offered and presented, taking into consideration the relative amount of benefit derived by said land from the construction of such road, and they shall assess the amount of damages or compensation due to each land owner, if any, for land to be taken necessary to be occupied for the purpose of opening, widening, straightening, grading and draining, or either, any such road or part thereof, or through whose land any lateral ditch or drain is or may be constructed under the order of appointment necessary to drain the road; which damages or compensation assessed, if any shall first be ordered to be paid by the county out of the road fund of the county, and the treasurer shall pay the same, or secure its payment by a special deposit of the amount in his office subject to the order of such owner, and shall notify such owner by mail or otherwise, of such deposit. The county surveyor shall issue a notice in writing to the land owner of each abutting tract of land along said road a part of whose land is sought to be taken for the road to each person through whose land said road will run and to each land owner through whose land a ditch or drain for the road is sought to be made, or to his or their agent or attorney, of the time and place when the jury will assess the damages incidental to the taking of the land or construction of a ditch for the road, which notice shall be served by any person competent to testify, or through mail by registered letter, upon such owner, his agent or attorney, at least five days before the day named therein. If such owner is a non-resident, and his address is known, and has no agent or attorney, in the county, the notice shall be given by registered letter through the mail ten days prior, and if his residence or address is unknown, by publication once each week for four weeks in a newspaper published in the county prior to the date named for the meeting of the jury of view. The cost of such registered mail notice and of such publication shall be paid by the county on an order of the court, and proper returns of said notice showing how same have been served shall be filed with the report of the jury of view. Any person whose land may be effected by such road and its lateral drain ditches, if any, may at any time stated in such notice, or previously thereto, present to the jury a statement in writing of any objections to or dissatisfaction therewith, and any claim for damages which he may have sustained by reason of the taking of his land for road purposes and the making of lateral drain ditches, and a failure to make such objections or claim for damages or compensation in writing as herein specified, shall be deemed a waiver of all claim or right thereto, all of which objection or claim shall be returned to the commissioners court in connection with a report of the jury of view; provided, that any abutting land owner shall have the right also to appear before and be heard by the commissioners court on his protest or remonstrance or claim against the action of the jury of view.

SEC. 15. The jury of view shall make a report to the commissioners

court, as soon as practicable after their meeting, signed by at least three of said jury, and duly verified under oath, of their actions and findings in the matter, and shall return with their report the name of each land owner, the number of acres and the amount of damages assessed or compensation awarded for each land owner. They shall carefully preserve and duly return with the report of the jury of view the map, profile, explanation, specifications, and estimates of the surveyor, and all claims and objections presented by the land owners, and all notices and returns of service thereof on land owners, agents or attorneys, and the same shall be filed with the clerk of the commissioners court and shall become a public record and be preserved as such, and the court shall act upon such report at the next regular or special term and approve or reject the same.

SEC. 16. If the commissioners court shall approve of the report of the jury and order that such road and lateral ditches, if any, be so opened, they shall consider the assessment and damages by the jury and claimant's statement thereof, and allow to each owner just damages or adequate compensation for the land taken, and when paid, or secured by deposit with the county treasurer to the credit of such land owner, they may proceed to have such road and lateral drain ditches, if any, opened and constructed, by contract or otherwise, as they may deem best.

SEC. 17. If the owner of the land is not satisfied with the assessment by the commissioners court he may appeal therefrom as in cases of appeals from judgments of justice's court, but such appeal shall not prevent the commissioners court from opening the road and drain ditches, if any, and improve the same, but shall be only to fix the amount of damages in controversy between the owner and the county, and if a greater amount of damages is obtained on appeal the county shall pay the excess and the costs, but if no greater damages are obtained the party taking the appeal shall pay all costs.

SEC. 18. The jurors of view shall each receive the sum of two dollars per day as compensation for their services for each day so actually engaged; and said surveyor and engineer shall receive as compensation such sum as may be allowed by the commissioners court.

SEC. 19. This law shall be cumulative of all other General Laws on the subject of roads and bridges not in conflict herewith, and where not otherwise provided herein such General Laws shall apply; but in case of conflict with other General Laws the provisions of this act shall govern; and this act shall be taken notice of by all courts in the same manner as the General Laws of the State.

SEC. 20. The great necessity for this law, there being no law existing upon the subject that is sufficient to enable the people of Harris county to improve and construct the roads and bridges as they should be, creates a public necessity and emergency requiring that the rule that bills be read on three several days in each house be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 21, nays 0; and passed the House of Representatives by two-thirds vote, yeas 101, nays 0.]

Approved April 12, 1901.

Became a law April 12, 1901.

15—G. L.

# APPROPRIATIONS—SUPPORT STATE GOVERNMENT FOR SIX MONTHS ENDING AUGUST 31, 1901.

F. C. C. S. for S. H. B. No. 31.]

## CHAPTER LXXXV.

An Act making appropriations for the State government for six months beginning March 1st, 1901, and ending August 31st, 1901, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the following sums of money or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the State treasury not otherwise appropriated, for the support of the State government from March 1st, 1901, to August 31st, 1901, and for other purposes.

### EXECUTIVE DEPARTMENT.

Salary of Governor .....	\$ 2,000 00
Salary of private secretary.....	1,000 00
Salary of stenographic clerk.....	600 00
Salary of porter .....	210 00
Salary of State Revenue Agent.....	1,000 00
Traveling and other expenses of Revenue Agent.....	250 00
Stationery and stamps for Revenue Agent.....	50 00
Payment rewards and other expenses necessary in the enforcement of the law.....	3,750 00
Payment of rewards heretofore authorized, to be expended under the direction of the Governor.....	2,000 00
Books and stationery.....	150 00
Freight, postage and telegraphing.....	300 00
Ice .....	18 00
Office furniture.....	100 00
Contingent expenses.....	50 00
Salaries of Board of Pardon Advisers.....	1,200 00
Salaries of Board of Pardon Advisers from February 14 to February 28, 1901.....	112 00

### MANSION AND GROUNDS.

Labor in keeping up grounds surrounding mansion.....	400 00
Water and ice.....	100 00
Fuel and lights.....	225 00
Contingent expenses.....	100 00
Furniture and repairs.....	1,000 00
Cement walk.....	230 79
Repairing cistern.....	62 75

### STATE DEPARTMENT.

Salary of Secretary of State.....	1,000 00
Salary of chief clerk.....	850 00

Salaries of five assistants, three at \$570 each, one at \$525, and one at \$520.....	\$ 2,755 00
Salary of extra clerk to copy laws.....	250 00
Salary of porter .....	180 00
Freight, postage and express.....	850 00
Books and stationery.....	250 00
Furniture and files.....	100 00
Contingent expenses.....	100 00

## TREASURY DEPARTMENT.

Salary of Treasurer .....	1,250 00
Salary of chief clerk.....	1,000 00
Salary of chief bookkeeper.....	750 00
Salary of assistant bookkeeper.....	600 00
Salary of receiving clerk.....	712 50
Salary of messenger and collector.....	360 00
Salaries of two additional clerks at \$600 each.....	1,200 00

*School Land Department.*

Salary of chief bookkeeper.....	750 00
Salary of corresponding clerk.....	650 00
Salary of examining clerk.....	650 00
Salary of assistant corresponding and bond clerk.....	600 00
Salary of first assistant bookkeeper.....	600 00
Salary of second assistant bookkeeper.....	600 00
Salary of third assistant bookkeeper.....	600 00
Salary of one abstract and index clerk.....	600 00
Salary of letter file clerk.....	600 00
Bookkeeper and corresponding clerk, lease department....	650 00
Salary of bookkeeper, University and asylum lands, and register clerk.....	600 00
Salary of night watchman.....	375 00
Salary of porter .....	180 00
Books, stationery and postage.....	1,000 00
Keeping in repair time locks, combinations and vaults, office furniture and files.....	150 00
Contingent expenses.....	75 00
To cover deficiency on stationery.....	185 85
To refund to purchasers or lessees of public domain, public school, University or asylum lands, the money paid by them into the State treasury in accordance with the laws of this State, where it is shown that such title cannot issue or possession pass because of conflict, sales out of lands leased, erroneous sales and other causes patents cannot issue, or where patent has been canceled by a decree of court or Land Commissioner, to be paid out of the respective funds to which said payments were credited, said claims to be approved by the Attorney General as to whether claims come under the provisions of this act, and as to correctness of claims and to whom due.....	30,000 00

To refund to purchasers of public domain the filing fees paid the Commissioner of the General Land Office, on locations made under Act of July 14, 1879, and amended 1881, where field notes were returned but sales were not made by the State; provided, it should be ascertained that such purchasers who paid filing fees in compliance with said act in all other respects complied with the law and were not instrumental in preventing such sales; and, provided, that all such claims shall be audited by the Treasurer and approved by the Attorney General and the Governor as to correctness of claims, and the amount and to whom due, before the Comptroller shall be authorized to issue his warrant; and provided, all such claims shall be presented before July 1, 1901.....\$ 5,000 00

## COMPTROLLER'S OFFICE.

Salary of Comptroller .....	1,250 00
Salary of chief clerk.....	850 00
Salary of chief bookkeeper.....	775 00
Salary of assistant bookkeeper.....	650 00
Salaries of two corresponding clerks at \$600 each.....	1,200 00
Salaries of two sheriff's clerks, witness and attorney's accountants, at \$650 each.....	1,300 00
Salary of receiving clerk, who shall perform duties of first assistant clerk to Comptroller.....	570 00
Salary of clerk for registering county and city bonds.....	550 00
Salary of warrant clerk.....	650 00
Salary of school and special warrant clerk.....	550 00
Salary of bookkeeper in warrant department.....	550 00
Salary of chief tax clerk.....	675 00
Salary of assistant tax clerk.....	550 00
Salary of redemption clerk.....	650 00
Salary of assistant redemption clerk.....	550 00
Salary of examining clerk.....	675 00
Salary of assistant examining clerk.....	550 00
Salary of auditing clerk.....	637 50
Salary of assistant auditing clerk.....	550 00
Salaries of three pension clerks at \$600 each.....	1,800 00
Salary of deposit, warrant and general clerk.....	570 00
Salary of mailing and file clerk.....	500 00
Salary of assistant mailing and file clerk.....	500 00
Salaries of fifteen assistant clerks at \$500 each.....	7,500 00
Salary of first assistant special tax clerk.....	550 00
Salary of first assistant unorganized county desk.....	550 00
Salary of general warrant and register clerk.....	550 00
Salary of stenographer, who shall perform such other duties as may be required by the Comptroller.....	475 00
Salary of messenger .....	200 00
Salaries of two porters at \$180 each.....	360 00
Postage, telegraphing, express and office furniture.....	1,700 00
Books and stationery.....	750 00
Contingent expenses.....	50 00



Traveling expenses for Comptroller, or his representatives, when necessary to check up tax collectors or other official business .....	\$ 150 00
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## GENERAL LAND OFFICE.

Salary of Commissioner .....	1,250 00
Salary of chief clerk .....	850 00
Salary of receiving clerk .....	675 00
Salary of legal examiner .....	750 00
Salary of head clerk in transcript department .....	600 00
Salaries of two transcript clerks at \$570 each .....	1,140 00
Salaries of two patent clerks at \$570 each .....	1,140 00
Salaries of three file and transfer clerks at \$550 each .....	1,650 00
Salary of letter index clerk .....	570 00
Salary of abstract clerk .....	600 00
Salaries of four corresponding clerks at \$600 each .....	2,400 00
Salaries of two letter register clerks at \$550 each .....	1,100 00
Salary of clerk in charge of file room .....	550 00
Salary of clerk to superintend the examination of files and records .....	570 00
Salary of one general clerk, who shall be versed in the Spanish and English languages, and as requested by the Commissioner shall translate the Spanish records into the English language, and transcribe the same if so desired..	570 00

*Drafting Department.*

Salary of chief draftsman .....	800 00
Salaries of first five assistant draftsmen at \$700 each .....	3,500 00
Salaries of three assistant draftsmen at \$600 each .....	1,800 00
Salaries of four assistant draftsmen at \$550 each .....	2,200 00

*School Land Department.*

Salary of chief clerk .....	750 00
Salary of head sales clerk .....	675 00
Salaries of two assistant sales clerks at \$575 each .....	1,150 00
Salaries of two assistant sales clerks at \$560 each .....	1,120 00
Salary of award and compiling clerk .....	600 00
Salary of assistant award and compiling clerk .....	540 00
Salaries of two bookkeepers at \$600 each .....	1,200 00
Salaries of four corresponding clerks at \$600 each .....	2,400 00
Salary of draftsman .....	600 00
Salary of assistant draftsman .....	540 00
Salaries of four lease clerks at \$550 each .....	2,200 00
Salaries of two new record clerks at \$540 each .....	1,080 00
Salaries of two field agents at \$650 each .....	1,300 00
Expense of keeping the two field agents in the field .....	750 00
Salary of night watchman .....	300 00
Salary of porter and janitor .....	300 00
Stationery, books, records, furniture and contingent expenses	750 00

Wood, water and ice.....	\$ 150 00
Postal cards and stamps.....	900 00
Telegraphing, towels and laundry.....	17 50
Repairing and binding records and books.....	50 00
Repairs to fixtures and furniture.....	50 00
Repairs to building, and matting for building.....	100 00
Instruments for drafting department.....	25 00
Two typewriting machines.....	200 00
Ribbon, carbon and repairing typewriters.....	25 00

## ATTORNEY GENERAL'S DEPARTMENT.

Salary of Attorney General.....	1,000 00
And the further sum, or so much thereof as may be necessary to pay such fees as may be prescribed by law.....	1,000 00
Salary of first office assistant.....	1,250 00
Salary of second office assistant.....	1,000 00
Salary of third office assistant.....	1,000 00
Salary of stenographic clerk.....	500 00
Salary of filing and record clerk.....	500 00
Stationery, postage, telephoning, telegraphing and express..	250 00
Law books and periodicals.....	300 00
Cost of depositions and procuring evidence.....	200 00
Salary of porter and messenger.....	210 00
Actual traveling expenses incurred by the Attorney General, or any of his assistants, in giving attention to the State's business pending elsewhere than in the courts held in Austin, vouchers to be made upon official certificates....	300 00
Contingent expenses.....	50 00
For certified copies of pleadings and other documents neces- sary to the preparation of causes and not coming strictly under the head of depositions and procuring evidence....	75 00
To pay costs in civil cases, in which suit is brought for the State by the Attorney General, or under his direction, where such costs are adjudged against the State, or where such costs are incurred by the State, and demanded at the end of the term, as provided by Article 1422, Revised Statutes of 1895, in which case only such costs as are incurred by the State in such civil cases shall be paid out of this fund, such accounts to be approved by the Attorney General .....	2,250 00
To pay costs in suits brought by the State against the G. H. & S. A. Railway Co. and the H. & T. C. Railway Co., and adjudged against the State by judgment of the Supreme Court of the United States.....	1,736 50

## DEPARTMENT OF EDUCATION.

Salary of State Superintendent of Public Instruction.....	1,250 00
Salary of chief clerk.....	850 00
Salary of statistical clerk.....	600 00
Salary of auditing and index clerk.....	570 00
Salary of corresponding and examining clerk.....	570 00

Salary of corresponding and general clerk.....	\$ 550 00
Salary of corresponding and stenographic clerk.....	550 00
Salary of mailing and blank room clerk.....	450 00
Salary of porter .....	180 00
Salary of two clerks for three months each during June, July and August, at \$270 each.....	540 00
Actual traveling expenses of State Superintendent and his representative when visiting schools, and teachers' and trustees' meetings, when on official duties relating to the interest of public schools.....	100 00
Postage, stationery, office furniture, files, binding reports and other books, forms, and pamphlets.....	750 00
Express, freight, telegraphing and contingent expenses.....	350 00
Printing and distributing county superintendent's record books, county and city treasurer's report books, teacher's daily registers, school laws, courses of study, examination questions, teacher's, superintendent's and treasurer's blank reports, census blanks, circulars to school officers and teachers and other blank forms and circulars necessary for the use of teachers and other school officers.....	1,500 00
For support of public free schools for six months, all avail- able public free school funds arising from interest or lease of school land, interest on bonds, school taxes and all other sources of revenue to said fund.	

## RAILROAD COMMISSION.

Salaries of three Commissioners at \$2000 each.....	6,000 00
Salary of secretary .....	875 00
Salary of one rate clerk.....	750 00
Salary of one general clerk.....	600 00
Salary of porter .....	180 00
Pay of experts and other necessary expenses, including printing such bills as may be necessary, maps, pamphlets, rulings, etc.....	6,000 00
Sheriff's witness fees and mileage.....	250 00
Transportation of Commissioners and clerks.....	125 00
Postage, stationery, books, telegraphing and express charges.	275 00
Furniture, fixtures and files.....	150 00
Contingent expenses.....	50 00

DEPARTMENT OF AGRICULTURE, INSURANCE, STATISTICS AND  
HISTORY.

Salary of Commissioner .....	1,000 00
Salary of chief clerk.....	850 00
Salary of bookkeeper and statistical clerk and stenographer	570 00
Salary of agricultural clerk.....	550 00
Salary of historical clerk.....	550 00
Salary of insurance clerk.....	550 00
Expenses of Commissioner in enforcing insurance laws....	250 00
Postage, stationery, telegraphing and express charges.....	250 00
Rent of telephone.....	24 00

Books for State library.....	\$ 250 00
Collecting historical data.....	125 00
Book cases and shelving.....	125 00
Subscriptions to newspapers, magazines, and binding same..	75 00
Contingent expenses.....	50 00
Salary of porter.....	180 00
All bills to be approved by the Commissioner.	

## UNIVERSITY OF TEXAS.

*Main University at Austin.*

For the maintenance, support and direction of the University of Texas, including repairs, extensions, improvements and buildings for the six months, beginning March 1, 1901, and ending August 31, 1901, all the available University funds, including interest from its bonds, and land notes and income from its land leases, and all fees collected from students, and all other receipts and revenues of the University.

For the maintenance, support and direction of the University for the six months beginning March 1, 1901, and ending August 31, 1901, from the general revenue..... 30,000 00

*Medical Branch of Galveston.*

For the maintenance, support and direction for six months beginning March 1, 1901, and ending August 31, 1901, all fees collected from students and all other receipts and revenues, and in addition thereto from the general revenue ..... 22,500 00

For refunding to George W. Brackenridge money advanced for making temporary repairs at medical college..... 12,725 00

For restoring, reforming, repairing and improving buildings and grounds of medical college, Sealy Hospital and University Hall, and for the repair and purchase of equipment, furniture and supplies therefor, from the general revenue, provided this appropriation shall not lapse at the end of said six months..... 40,338 00

## SUPREME COURT.

Salaries of three judges at \$2000 each..... 6,000 00

Salary of clerk ..... 1,250 00

Salary of stenographer and law clerk; provided, the stenographer shall not be authorized by accepting this position to present any claim against the State for any further sum ..... 600 00

Salary of assistant librarian and bailiff, who shall be appointed by the Chief Justice of the Supreme Court, and who shall keep open the library from 8:30 a. m. to 12 m. and from 12:30 p. m. to 5 p. m. each day, except Sundays and holidays..... 360 00

Salary of porter for judges and consultation room..... 180 00

Salary of porter for court room, library and clerk's room.. 180 00

Record books and stationery.....	\$ 250 00
Postage .....	90 00
Purchase of books for Supreme Court library and consultation room, and for binding books to be selected by the chief justice.....	1,000 00
Contingent expenses.....	200 00

## COURT OF CRIMINAL APPEALS.

Salaries of three judges.....	6,000 00
Salary of stenographer.....	500 00
Sheriff's attendance on court.....	100 00
Postage .....	75 00
Contingent expenses.....	100 00
Fuel and lights.....	50 00
Law books to be selected by the presiding judge.....	150 00
Record books and stationery.....	100 00
Salary, mileage, fees and traveling expenses of Assistant Attorney General.....	1,500 00
Telegraphing and contingent expenses of Assistant Attorney General .....	25 00
Salary of porter.....	240 00
Clerk's fees in felony cases, or so much thereof as may be necessary .....	1,500 00
For repairs of trunks and to purchase new trunks.....	75 00
For repair of books of the court.....	100 00

## COURT OF CIVIL APPEALS—FIRST DISTRICT.

Salaries of three judges at \$1750 each.....	5,250 00
Salary of stenographer .....	300 00
Salary of bailiff .....	50 00
Salary of porter .....	150 00
Books for law library.....	125 00
Postage and box rent.....	50 00
Record books and stationery.....	100 00
Contingent expenses.....	75 00
Furniture, including matting and carpet.....	500 00
For moving library.....	100 00
For rebinding law books, which were damaged by the storm of September 8, 1900.....	400 00

## COURT OF CIVIL APPEALS—SECOND DISTRICT.

Salaries of three judges at \$1750 each.....	5,250 00
Salary of stenographer .....	300 00
Salary of bailiff .....	50 00
Salary of porter .....	150 00
Postage and box rent.....	50 00
Record books and stationery.....	100 00
Books for law library.....	125 00
Contingent expenses.....	75 00

## COURT OF CIVIL APPEALS—THIRD DISTRICT.

Salaries of three judges at \$1750 each.....	\$ 5,250 00
Salary of bailiff .....	50 00
Salary of porter .....	150 00
Salary of stenographer .....	300 00
Record books and stationery.....	100 00
Postage and box rent.....	50 00
Contingent expenses.....	75 00

## COURT OF CIVIL APPEALS—FOURTH DISTRICT.

Salaries of three judges at \$1750 each.....	5,250 00
Salary of stenographer .....	300 00
Salary of bailiff .....	50 00
Salary of porter .....	150 00
Postage .....	50 00
Record books and stationery.....	100 00
Books for library and consultation.....	125 00
Contingent expenses.....	75 00

## COURT OF CIVIL APPEALS—FIFTH DISTRICT.

Salaries of three judges at \$1750 each.....	5,250 00
Salary of stenographer .....	300 00
Salary of bailiff .....	50 00
Salary of porter .....	150 00
Record books and stationery.....	100 00
Postage .....	50 00
Books for library and consultation room.....	500 00
Contingent expenses.....	75 00

## JUDICIARY.

Salaries of fifty-six district judges.....	70,000 00
Salaries of thirty-eight district attorneys.....	9,500 00
Salary of criminal district attorney.....	250 00
Salaries of two criminal district judges.....	2,500 00
Fees and costs of sheriffs, clerks, and attorneys in felony cases .....	125,000 00
Expenses of attached witnesses.....	50,000 00
Fees of county judges, justices of the peace, sheriffs and constables in examining trials.....	7,500 00
Salary of Supreme Court reporter.....	1,500 00
Salary of Court of Criminal Appeals reporter.....	1,500 00
Salary of assistant Supreme Court reporter or reporters...	1,500 00
Salaries of special judges.....	1,250 00
Amount of registered deficiency to pay special judges for the year ending February 28, 1901.....	2,500 00
Amount of estimated additional deficiency to pay special judges for the year ending February 28, 1901.....	2,500 00

## PENSIONS.

Pay of veterans under general law.....	20,000 00
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## PUBLIC DEBT.

Payment of interest on public debt.....\$112,157 50

ACTUAL DEFICIENCIES FOR THE YEAR ENDING FEBRUARY 28,  
1901.

## COURT OF CIVIL APPEALS—FIRST DISTRICT.

Contingent expenses..... 100 00

## ADJUTANT GENERAL'S DEPARTMENT.

Postage, stationery and telegraphing..... 200 00

## COURT OF CRIMINAL APPEALS.

Record books and stationery..... 300 00

## LIVE STOCK SANITARY COMMISSION.

Deficiency Live Stock Sanitary Commission..... 1,035 45

## STATE LUNATIC ASYLUM.

Steam heating plant, new and old buildings..... 4,800 00

Erecting building to be used as dining hall, kitchen, etc... 6,450 45

## PRAIRIE VIEW NORMAL SCHOOL.

General repairs and painting..... 4,082 33

Removing and repairing Kirby house..... 280 00

## DEAF, DUMB AND BLIND ASYLUM FOR COLORED YOUTHS.

Groceries, miscellaneous, etc..... 500 00

To pay amount of registered deficiencies for payment of  
attached witnesses..... 8,243 33

To pay amount of estimated additional deficiency for the  
payment of attached witnesses..... 25,000 00

To pay amount of registered deficiencies for the payment  
of officers holding examining trials..... 200 00

To pay amount of estimated additional deficiencies for the  
payment of officers holding examining trials..... 2,500 00

## STATE ORPHAN HOME.

Salary of Superintendent, who shall be ex-officio accountant  
and storekeeper..... 750 00

Salary of matron..... 270 00

Salaries of seven teachers at \$180 each..... 1,260 00

Salary of industrial manager..... 625 00

Salary of physician, not to live in home..... 300 00

Salary of baker..... 150 00

Salaries of three cooks at \$100 each..... 300 00

Salary of dining room and dairy woman..... 108 00

Salaries of three laundresses at \$80 each..... 240 00

Salary of gardener, poultryman and farm laborer.....	\$ 210 00
Salary of night watchman.....	160 00
Salary of trained nurse in hospital.....	180 00
Salary of cook and assistant nurse.....	108 00
Salaries of six ward nurses at \$100 each.....	600 00
Salaries of three seamstresses at \$120 each.....	360 00
Salary of engineer and pumper.....	120 00
Appliances and instructor for mattress and broom factory..	250 00
Material and instructor in shoe factory.....	250 00
Fuel .....	250 00
Postage and stationery.....	37 50
School books, stationery and general school supplies, including kindergarten.....	300 00
Transportation .....	150 00
Telephone .....	30 00
Electric lights.....	250 00
General maintenance, to include all supplies believed by the board of trustees to be necessary to the support of the home .....	4,989 95
For rebuilding barn destroyed by fire, and general repairs..	2,500 00
Deep well pump and appliances for artesian well.....	500 00
Amount of deficiency for general maintenance and supplies for the support of the home for year ending February 28, 1901; to be paid out upon the approval of the Governor..	6,092 88

## STATE LUNATIC ASYLUM.

Salary of Superintendent, provided he shall receive provisions not to exceed \$250, and fuel, lights, water and housing for himself and family.....	1,000 00
Salary of first assistant physician.....	700 00
Salary of second assistant physician.....	700 00
Salary of third assistant physician.....	700 00
Salary of steward, storekeeper and accountant.....	450 00
Salary of clerk and office assistant.....	390 00
Salary of matron .....	300 00
Salary of supervisor .....	240 00
Salary of druggist .....	275 00
Salary of supervisors .....	240 00
Salary of outside supervisor and head farmer.....	275 00
Salary of chief engineer and plumber.....	450 00
Salary of assistant engineer and electrician.....	300 00
Salary of gardener and florist.....	150 00
Salary of chief cook.....	275 00
Salary of first assistant cook.....	150 00
Salaries of five assistant cooks at \$100 each.....	500 00
Salary of baker .....	240 00
Salary of assistant baker.....	120 00
Salary of carpenter .....	270 00
Salary of assistant carpenter.....	200 00
Salary of blacksmith .....	270 00
Salaries of three firemen at \$180 each.....	540 00
Salaries of fifteen night attendants at \$150 each.....	2,250 00



Salary of head laundryman or laundress.....	\$ 180 00
Salary of assistant head laundryman or laundress.....	150 00
Salaries of six laundresses at \$120 each.....	720 00
Salary of head seamstress.....	150 00
Salaries of six seamstresses at \$120 each.....	720 00
Salaries of sixty attendants.....	7,200 00
Salaries of two trained nurses at \$180 each.....	360 00
Salaries of three farm hands at \$90 each.....	270 00
Salary of dairyman .....	150 00
Salary of assistant dairyman.....	120 00
Salary of plasterer and painter.....	240 00
Salary of tailor .....	200 00
Salary of shoemaker .....	150 00
Groceries, fuel, lights, water and medical stores and surgical instruments, including pay of board of managers at \$5 per month for attendance upon meetings of the board, and mileage .....	28,164 35
Dry goods and clothing.....	2,917 00
Furniture and beds.....	2,000 00
General repairs and painting.....	1,500 00
Transportation of patients.....	375 00
Literature and amusement.....	250 00
Engineer's and carpenter's tools.....	50 00
To provide for 175 colored patients and the rection of a building for that purpose.....	14,000 00
Contingent expenses.....	250 00
Trees, seeds and flowers.....	37 50
Repairing machinery.....	250 00

## SOUTHWESTERN INSANE ASYLUM.

Salary of Superintendent, with board for himself and family not to exceed in value \$250, and fuel, lights, water and housing .....	1,000 00
Salary of first assistant superintendent.....	700 00
Salary of second assistant superintendent.....	700 00
Salary of storekeeper and accountant.....	450 00
Salary of assistant storekeeper.....	240 00
Salary of druggist .....	275 00
Salary of matron .....	300 00
Salary of supervisor .....	240 00
Salary of supervisoreess .....	240 00
Salary of outside supervisor and head farmer.....	275 00
Salary of chief engineer.....	450 00
Salary of assistant engineer and plumber.....	300 00
Salaries of three firemen.....	450 00
Salary of gardener .....	150 00
Salary of chaplain .....	150 00
Salary of chief cook.....	275 00
Salary of first assistant cook.....	150 00
Salaries of four assistant cooks.....	400 00
Salary of baker .....	240 00
Salary of assistant baker.....	120 00

Salary of chief carpenter.....	\$ 270 00
Salary of assistant carpenter.....	200 00
Salary of plasterer and painter.....	240 00
Salary of tailor .....	200 00
Salary of shoemaker .....	150 00
Trees, seeds, farm machinery and tools.....	300 00
Engineer and carpenter tools.....	100 00
Bridges, culverts and grounds.....	100 00
Laundry machinery.....	250 00
General repairs and painting.....	500 00
Wagon scales.....	100 00
Furniture and beds.....	2,500 00
Additional store rooms, cement floors in basement.....	2,000 00
Alterations and cement floor in ice house.....	150 00
Three dining room girls.....	360 00
Ten night attendants.....	1,500 00
Head laundress.....	180 00
Assistant head laundress.....	150 00
Six laundresses.....	720 00
Three farm hands.....	270 00
Two trained nurses.....	360 00
Head seamstress.....	150 00
Five seamstresses.....	600 00
Fifty attendants.....	6,000 00
One dairyman.....	150 00
Support, maintenance and repairs; groceries, fuel, lights and water, including pay of board of managers and mileage, medical stores and surgical instruments.....	24,292 25
Dry goods and clothing.....	2,303 00
Transportation of patients.....	375 00
Literature and amusements.....	250 00
Contingent expenses.....	250 00
Cows, horses, mules and hogs, in addition to such sum as can be realized by the sale of such stock as is now on hand and unserviceable .....	800 00
Wagons, hack and harness.....	500 00

## NORTH TEXAS INSANE ASYLUM.

Salary of Superintendent, with board for himself and family not to exceed in value \$250, and fuel, lights, water and housing .....	1,000 00
Salary of first assistant physician.....	700 00
Salary of second assistant physician.....	700 00
Salary of third assistant physician.....	700 00
Salary of storekeeper and accountant.....	450 00
Salary of assistant storekeeper and accountant.....	240 00
Salary of druggist .....	275 00
Salary of matron .....	300 00
Salary of supervisor .....	240 00
Salary of assistant supervisor.....	210 00
Salary of outside supervisor and head farmer.....	240 00
Salary of supervisors .....	240 00

Salary of assistant supervisoress.....	\$ 210 00
Salary of chief engineer.....	450 00
Salary of assistant engineer and electrician.....	300 00
Salary of plumber.....	300 00
Salaries of four firemen.....	600 00
Salary of gardener.....	160 00
Salary of chaplain.....	150 00
Salary of chief cook.....	225 00
Salary of first assistant cook.....	150 00
Salaries of six under cooks.....	720 00
Salary of baker.....	240 00
Salary of assistant baker.....	120 00
Salary of carpenter.....	270 00
Salary of first assistant carpenter.....	200 00
Salary of blacksmith.....	200 00
Salary of plasterer.....	240 00
Salary of painter.....	240 00
Salary of tailor.....	200 00
Salary of shoemaker.....	150 00
Salaries of five dining room girls.....	600 00
Salaries of six farm hands.....	540 00
Salaries of fifteen night attendants at \$150 each.....	2,250 00
Salary of head laundryman or laundress.....	180 00
Salary of assistant head laundryman or laundress.....	150 00
Salaries of ten laundresses, at \$120 each.....	1,200 00
Salary of head seamstress.....	150 00
Salaries of eight seamstresses, at \$120 each.....	960 00
Salary of mattressmaker.....	120 00
Salaries of eighty attendants.....	9,600 00
Salary of dairyman.....	150 00
Salary of assistant dairyman.....	120 00
Groceries, fuel, lights and water, medical stores and surgical instruments.....	34,212 65
Transportation.....	500 00
Contingent expenses.....	250 00
Dry goods and clothing.....	7,338 00
Furniture and bedsteads.....	750 00
General repairs and painting.....	1,500 00
Cows, horses, mules and hogs, with privilege to sell or exchange old stock.....	500 00
Literature and amusement.....	250 00
Trees, seeds and stock.....	125 00
Wagons, hacks and harness.....	300 00
Engineer's tools.....	150 00
Mowers, plows and farm implements.....	150 00
Pipe and piping.....	500 00
Bridges, culverts and grounds.....	150 00
To purchase additional boilers and steam connections (the board of managers are authorized to sell or exchange old boilers in part payment for new).....	7,500 00
One outside watchman.....	180 00
To purchase new dynamo and engine.....	4,000 00

To purchase ice machine, refrigerators and cold storage...	\$ 4,000 00
To purchase laundry machinery.....	2,000 00
To purchase typewriter.....	100 00

Provided, that the interest on all securities held by the lunatic asylum fund is hereby appropriated in part payment of the appropriation of the three lunatic asylums, the remainder of the appropriation to be paid out of the general revenue. All moneys now in, or which may hereafter be paid into the State treasury for the board and treatment of non-indigent patients and from the sales of personal property of the three lunatic asylums, shall be paid over to the State Treasurer monthly and credited by him to the general revenue.

#### BLIND ASYLUM.

Salary of Superintendent, with board for himself and family not to exceed in value \$250, and fuel, lights, water and housing .....	1,000 00
Salary of oculist .....	350 00
Salary of storekeeper and accountant, with day board.....	450 00
Salary of matron .....	211 10
Salary of second matron.....	171 10
Salaries of principal and fourteen teachers, all without board except three.....	4,240 85
Salary of music teacher, without board.....	262 50
Salary of teacher, girls' industrial department, without board .....	175 00
Salary of teacher of boys' industrial department, without board .....	175 00
Salary of assistant teacher of boys' industrial department..	122 50
Salary of sick nurse for girls.....	105 00
Salary of sick nurse for boys.....	105 00
Salary of monitress and seamstress for small girls.....	93 35
Salary of monitress and seamstress for small boys.....	93 35
Salary of night watchman, without board.....	194 45
Salary of engineer, electrician and plumber, with day board for self.....	450 00
Salary of fireman .....	116 67
Salary of hostler and yardman, west side.....	150 00
Salary of dining room waiter, yard man and helper, east side .....	150 00
Salaries of one baker and three cooks.....	280 00
Salary of one cook.....	37 50
Salaries of head laundress and three assistant laundresses..	311 10
Salary of one laundress.....	50 00
Salary of housekeeper for large boys.....	87 50
Salaries of three chambermaids.....	198 54
Salaries of four dining room girls.....	245 00
Salary of one chambermaid.....	37 50
Salaries of five trustees.....	150 00
Transportation of pupils.....	600 00
Clothing of pupils.....	500 00

Coal and wood, water and lights.....	\$ 1,000 00
To purchase pianos, musical instruments, music books in line and point print, dissecting maps, globes, apparatus for school, school furniture, kindergarten material, sewing machines and material for girls' industrial department..	500 00
Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses, including deficiency prior to March 1, 1901.....	5,827 30
Painting buildings, including roof of east building, and painting iron fence around east lot.....	1,250 00
For one heater, repair of furnaces, changing breeching and auxiliary feed to boiler.....	500 00
For repairing sewers and putting in new pipe, and other work .....	1,500 00
Improvement of buildings and grounds and general repairs.	500 00
Medical attendance.....	300 00
To purchase two horses and wagonette.....	400 00
Trained physical director.....	200 00

## DEAF AND DUMB ASYLUM.

Salary of Superintendent, with board for himself and family, not to exceed in value \$250, and fuel, lights, water and housing .....	1,000 00
Salary of principal, without board.....	583 33
Salary of first teacher, without board.....	456 94
Salary of second teacher, without board.....	420 00
Salary of third teacher, without board.....	420 00
Salary of fourth teacher, without board.....	301 39
Salary of fifth teacher, without board.....	301 39
Salary of sixth teacher, without board.....	301 39
Salary of seventh teacher, without board.....	301 39
Salary of eighth teacher, without board.....	301 39
Salary of ninth teacher, without board.....	301 39
Salary of tenth teacher, without board.....	255 72
Salary of eleventh teacher, without board.....	255 72
Salary of twelfth teacher without board.....	255 72
Salary of first oral teacher, without board.....	420 00
Salary of second oral teacher, without board.....	332 50
Salary of third oral teacher, without board.....	332 50
Salary of fourth oral teacher, without board.....	301 39
Salary of fifth oral teacher, without board.....	301 39
Salary of sixth oral teacher, without board.....	301 39
Salary of seventh oral teacher, without board.....	280 00
Salary of eighth oral teacher, without board.....	280 00
Salary of ninth oral teacher, without board.....	255 72
Salary of tenth oral teacher, without board.....	255 72
Salary of art teacher, without board.....	301 39
Salary of instructor in printing, without board.....	350 00
Salary of instructor in shoemaking, without board.....	348 05
Salary of instructor in carpentry.....	447 50
Salary of instructor in tailoring, without board.....	301 39

Salary of instructor in sewing.....	\$ 155 55
Salary of instructor in painting.....	240 00
Salary of storekeeper and accountant.....	450 00
Salary of first matron.....	240 00
Salary of second matron.....	240 00
Salary of first monitor.....	240 00
Salary of second monitor.....	240 00
Salaries of two monitresses for girls.....	311 10
Salaries of three monitresses for small boys.....	466 65
Salary of sick nurse.....	155 55
Salary of engineer, electrician and plumber.....	450 00
Salary of assistant engineer.....	300 00
Salary of night watchman.....	150 00
Salary of floral gardener.....	150 00
Salary of farmer.....	120 00
Salaries of two laborers.....	240 00
Salary of foreman of laundry.....	240 00
Salaries of five assistant laundresses.....	600 00
Salary of baker.....	240 00
Salary of chief cook.....	240 00
Salaries of three assistant cooks.....	450 00
Salaries of two chambermaids.....	240 00
Salaries of six dining room girls.....	520 00
Supplies, provisions and miscellaneous.....	10,291 53
Water, electric lights and power.....	1,250 00
Furniture and furnishing.....	500 00
Clothing and transportation of indigents.....	1,400 00
Art material.....	50 00
Salaries of board of trustees, including mileage.....	180 00
Tables, table linen and cutlery.....	150 00
Dry goods, blankets and mattresses.....	500 00
Harness and tools.....	200 00
Engineer's and carpenter's tools.....	100 00
Repairs on buildings and grounds.....	1,000 00
Provided, that the interest on all securities held by the Deaf and Dumb Asylum funds are hereby appropriated, the remainder to be paid out of general revenue.	

## HOUSE OF CORRECTION AND REFORMATORY.

Salary of Superintendent.....	900 00
Salary of accountant.....	450 00
Salary of farm supervisor.....	300 00
Salary of engineer.....	250 00
Salaries of two teachers at \$240 each.....	480 00
Salaries of four night guards.....	720 00
Salaries of ten day guards.....	1,500 00
Salary of baker and cook.....	180 00
Salary of druggist and nurse.....	200 00
Salary of physician.....	200 00
Salary of chaplain.....	150 00
Maintenance.....	10,987 50

Fuel .....	\$ 250 00
Books and slates.....	100 00
Medicine .....	150 00
Postage and express.....	100 00
Discharge and transportation.....	697 00
Literature and library.....	75 00
Contingent expenses.....	150 00
Expenses, penitentiary board.....	150 00
Farm implements.....	300 00
Teams and wagons.....	3,000 00
Seats and furniture for chapel.....	200 00

Provided, that the product and labor of said Reformatory are hereby appropriated in part payment of the above appropriation, the remainder to be paid out of general revenue; provided further, that the Superintendent of the Reformatory is hereby required to rent sufficient land to keep all inmates employed.

#### CONFEDERATE HOME.

Maintenance of inmates.....	16,212 00
Salary of Superintendent .....	750 00
Salary of surgeon .....	600 00
Salary of storekeeper and accountant.....	350 00
Salary of chief cook.....	240 00
Salaries of two assistant cooks.....	240 00
Salaries of four waiters at \$90 each.....	360 00
Salary of chief cook at hospital.....	180 00
Salary of one assistant cook.....	120 00
Salary of druggist .....	270 00
Salary of hospital matron.....	200 00
Salary of matron of main dining room.....	200 00
Salaries of four nurses at hospital at \$144 each.....	576 00
Salary of laundress.....	125 00
Salaries of two assistants at \$90 each.....	180 00
Literature .....	75 00
Medicine and hospital stores, whisky, wines, etc. (provided whisky and wine shall be used only as a medicine).....	500 00
Transportation for inmates.....	100 00
Salary of carpenter, plumber and painter.....	300 00
Salary of one yardman.....	120 00
Furniture .....	250 00
Repairs and painting .....	250 00

#### QUARANTINE DEPARTMENT.

For State Health Officer's salary and traveling expenses, including postage, telegraph and telephone; for maintenance of permanent quarantine stations at Galveston, Sabine Pass, Velasco, Aransas Pass, Cavallo, Brownsville, Laredo, Eagle Pass and El Paso, for guard at Corpus Christi Pass and for guarding the State line at other places against infectious diseases as may become necessary

from time to time; and for necessary repairs to State's property .....	\$ 23,950 00
Fumigating plant, including fumigating vessel at Galveston, to be expended within the next two years, to be purchased by the Governor or under his immediate direction, he being responsible for such purchase.....	25,000 00
For repairing residence for quarantine officer at Galveston, to be expended under the immediate direction of the Governor .....	5,000 00

## DEAF, DUMB AND BLIND ASYLUM FOR COLORED YOUTHS.

Salary of Superintendent .....	750 00
Salary of principal teacher.....	262 50
Salaries of three class-room teachers and one music teacher.....	700 00
Salary of shoemaker .....	175 00
Salary of seamstress .....	110 00
Salary of matron.....	180 00
Salary of laundress and assistants.....	210 00
Salary of oculist .....	175 00
Salary of night watchman.....	150 00
Salary of engineer and plumber.....	250 00
Salary of preceptress.....	105 00
Salaries of cook and assistant.....	250 00
Salary of farmer and gardener.....	150 00
Salary of monitor.....	105 00
Salary of assistant matron and poultry raiser.....	87 50
Stationery, postage and printing.....	37 50
Clothing for indigent pupils.....	225 00
Transportation for indigent pupils.....	225 00
For groceries and miscellaneous, including pay of members of the board and mileage.....	1,490 00
Repairs and improvements.....	150 00
To build a new boiler house, put in a new boiler, and attach laundry, bath rooms, coal shed, and also for general improvements .....	6,000 00
Apparatus .....	62 50
Furniture .....	125 00

## SAM HOUSTON NORMAL INSTITUTE.

For support and maintenance.....	7,500 00
For library, apparatus, repairs, improvements, etc.....	1,000 00

## SOUTHWEST TEXAS NORMAL SCHOOL AT SAN MARCOS.

For preservation of buildings and grounds of said school...	300 00
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## STATE PENITENTIARIES.

For conveying convicts to the penitentiaries and reformatory .....	10,000 00
Traveling expenses of Superintendent.....	250 00
Penitentiary library.....	125 00
All proceeds of convict labor, and in addition thereto, for making up deficiencies in monthly expenses, and to purchase material to carry on prison industries.....	20,000 00



## PRAIRIE VIEW NORMAL SCHOOL.

To pay for support of 159 students, balance of said amount to be collected from said students; one of said students to be appointed by each Senator, and one by each Representative; provided the students appointed hereunder shall supersede and be in place of forty-six State students provided for in Article 3886 of the Revised Statutes of the State of Texas.....		\$ 5,800 00
For maintenance of agricultural and mechanical department		735 00
For maintenance of girls' industrial department.....		135 00
For general repairs and painting houses.....		500 00
For books, stationery, postage and printing.....		150 00
To purchase boiler and engine for laundry department.....		800 00
For telephone line from Hempstead to Prairie View Normal School .....		750 00
For safe and office furniture.....		250 00
For erecting kitchen and store room.....		2,000 00
All the proceeds of the sales of the farm and dairy products, separate stock and worn out property are hereby appropriated to maintain and support said institution.		
To purchase three sewing machines.....		90 00

## AGRICULTURAL AND MECHANICAL COLLEGE.

To purchase hospital fixtures, including bedsteads, tables, blankets, mattresses, mattings, rugs, comforts, spreads, sheets, chairs, gasoline stoves and refrigerator.....		1,000 00
To put in electric light and ice plant (and the board of directors are authorized to exchange machinery now in use in part payment of new).....		17,000 00
Dwellings .....		3,000 00
Completion of the equipment of agricultural and horticultural building.....		3,000 00
Support and maintenance, general revenue.....		10,000 00
Students' labor fund and general revenue.....		2,000 00
Support of experiment station at Beeville.....		1,250 00
General repairs of buildings and improvement of grounds..		1,000 00
New boiler for power house.....		1,500 00

In addition to the above the interest on \$209,000 of State bonds held by the Agricultural and Mechanical College fund is hereby appropriated for the support of this institution; provided, that the board of directors of the Agricultural and Mechanical College of Texas shall include in their report the number and salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions, in the same manner as the law requires of the board of regents to report the salaries and number of faculty and employes and receipts and expenditures of the University of Texas.

All the proceeds of the sales of the farm and dairy products, surplus stock and worn out property are hereby appropriated to maintain and support said institution.

## FISH AND OYSTER COMMISSION.

Salary of Commissioner.....	\$ 900 00
Office rent, traveling and other expenses of Commissioner..	300 00

## STATE PURCHASING AGENT.

Salary of Agent from August 28, 1901, to August 31, 1901, inclusive .....	22 00
Salary of clerk from August 28, 1901, to August 31, 1901, inclusive .....	11 00
Salary of one additional clerk.....	450 00
Office furniture and expenses.....	250 00
Contingent expenses.....	200 00

## STATE ENTOMOLOGIST.

Salary of entomologist and necessary help and contingent expenses .....	2,000 00
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## ADJUTANT GENERAL'S DEPARTMENT.

Salary of Adjutant General.....	1,000 00
Salary of chief clerk.....	600 00
Salary of porter, messenger and armorer.....	180 00
Stationery, postage and telegraphing.....	300 00
Incidental expenses.....	25 00
Handling and transportation of ordnance stores and quartermaster's supplies, labor in arsenal, and repairs to arms, and inspection of arms and troops.....	750 00
For the maintenance and support of the ranger force in the suppression of lawlessness and crime.....	16,920 00
Payment of transportation and subsistence and for services of the Volunteer Guard when called into active service under the law, and for transportation and subsistence of Volunteer Guard for camps of instruction, and for all other military expenses.....	5,000 00
To purchase typewriter; provided, that the Adjutant General has the authority to exchange old machine in part payment .....	50 00

## LIVE STOCK SANITARY COMMISSION.

Maintenance of Live Stock Sanitary Commission.....	4,000 00
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## PUBLIC PRINTING.

First, second and third class printing and binding, and for printing papers for 1st, 2nd and 3rd class of public printing .....	10,000 00
For advertisements for State business.....	250 00
For salary of Expert Printer and Secretary of Printing Board .....	750 00

## PUBLIC BUILDINGS AND GROUNDS.

Salary of Superintendent .....	\$ 1,000 00
Salary of bookkeeper and extra watchman.....	450 00
Salary of engineer and electrician.....	600 00
Salary of assistant engineer.....	450 00
Salaries of four watchmen.....	1,320 00
Salaries of two firemen.....	600 00
For traveling and other expenses of Superintendent.....	150 00
Salaries of six cleaners.....	1,080 00
Salary of one elevator man.....	360 00
Salary of carpenter and plasterer.....	450 00
Salaries of two drivers at \$30 each.....	360 00
Labor in capitol grounds and keeping sewer in repair.....	2,500 00
Keeping cemetery grounds.....	150 00
Headstones for Confederate veterans buried in State cemetery .....	150 00
Headstones for Texas veterans buried in State cemetery....	50 00
Water, light, fuel and contingencies.....	6,000 00
Oil and waste for engines, dynamos and steam pumps, drawing paper and stationery.....	200 00
Feed for teams.....	125 00
For purchasing a pair of mules or horses, wagon and harness	350 00
Tools .....	50 00
New machinery; provided, that the Superintendent, with the consent of the Governor, is authorized to exchange or sell the old machinery in part payment for new machinery, to be deducted from the amount herein appropriated....	7,500 00
To build addition to stable.....	250 00
Pipe and fittings.....	1,000 00

## MISCELLANEOUS.

To pay refund of liquor dealer's license, for two years ending August 31, 1901.....	2,530 39
To pay J. R. Wilson, ex-clerk of the district court of Bowie county, Texas, 5 per cent. commission on judgment for \$5000 in favor of State of Texas Texarkana & Fort Smith Railroad Company, recovered in the district court of Bowie county, Texas.....	250 00
To pay Lea Beaty for warrant issued for four days services as a member of the Special Session of the Twenty-sixth Legislature, but never paid because appropriation was exhausted .....	20 00
To pay Jink Evans salary as industrial manager of the Orphan Asylum for 1899 and 1901.....	1,000 00
To pay Jink Evans salary as trustee of State Orphan Asylum from March 1, 1897, to Feby 28, 1899.....	120 00
To pay J. E. Lankford, of Hunt county, Texas, fees and expenses for carrying attached witnesses from Commerce, Texas, to Cooper, Texas, under order of the district court.	17 35
To pay W. M. Caldwell, of El Paso, Texas, for sixteen days service as special judge in the district court of El Paso	

county in Cause No. 1533, W. C. Wellington vs. The Southern Pacific Company, on the 14th, 15th, 16th, 17th and 18th and on the 22nd and 23rd days of February, 1895, and on the 21st, 22nd, 24th and 25th days of June, 1895, and on the 29th and 30th days of March, 1895, and on the 2nd, 3rd and 30th days of December, 1895, at \$6.84 per day.....	\$ 109 44
To pay Brazelton & Johnson, for supplies furnished the House of Correction and Reformatory from July 14, 1898, to January 18, 1899.....	40 21
To pay Sasse & Powell account for supplies furnished House of Correction and Reformatory from September 1, 1898, to December 4, 1898.....	11 70
To pay L. H. Stall for conveying attached witnesses from Wellington, Collingsworth county, to Quanah, in Harde- man county, in October, 1900.....	14 60
To pay J. V. Cunningham fees and expenses for conveying Harvey Ray, an attached witness, from Abilene, Taylor county, to Comanche, Comanche county, on the 9th day of February, 1900, under order of the district court.....	20 40
To pay J. V. Cunningham for conveying L. F. Conner, an attached witness, from Merkel, Taylor county, Texas, to Roby, in Fisher county, under order of the district court, March 2, 1900.....	10 75
To pay John S. Craighead for expenses and fees in convey- ing attached witness from Fairview, Wilson county, to Austin, Travis county, on the 15th day of June, 1898....	24 30
To pay John S. Craighead for expenses and fees in convey- ing attached witness from Fairview, in Wilson county, to Austin, in Travis county, on the 15th day of June, 1898..	5 35
To pay L. M. Crooks, of Titus county, for holding inquest of Ed Rosseau and S. F. Wolf, State convicts, at \$5 each.	10 00
To pay John B. Reagan, sheriff of Cherokee county, for ser- vices rendered the State in the case of State of Texas vs. Wall and others, charged with murder, in district court of San Augustine county, Texas.....	116 90
To pay A. B. McDowell for expenses and fees in conveying attached witness from Edna, in Jackson county, to San Marcos, in Hays county, on the 3rd day of March, 1900..	27 85
To pay H. B. Gibbs, sheriff of Mason county, for expenses and fees in conveying three attached witnesses by special order of court from Mason county to Fredericksburg, in Gillespie county, on the 21st of September, 1899.....	36 00
To purchase a portrait of General Lorenzo DeZavala, first Vice-President of the Republic of Texas, and that said picture be hung in the Senate chamber on the right of the President's chair.....	500 00
For fencing and beautifying San Jacinto battle grounds, to be expended under the direction of the Governor.....	1,000 00
For the purpose of having executed in marble the plaster casts of Sam Houston and Stephen F. Austin, donated to the State of Texas by Elizabet Ney; provided, the Gov-	

ernor is hereby authorized to contract with Elizabeth Ney for such work and is authorized to place such statues in the capitol of the State; and provided further, that this appropriation shall not lapse for two years.....\$ 8,000 00

SEC. 2. All buildings for the erection and equipment of which appropriations have been made under this act, and all improvements of and repairing of any public building shall be erected and made under the direction, management and supervision of honest and competent architects, who shall be appointed by the Governor, and whose salary shall be deducted from the respective appropriations made for such purposes; and it shall be unlawful for the Comptroller of Public Accounts to issue any warrants on the treasury, and for the Treasurer to pay any such warrants for the erection of any of the public buildings herein provided for, or for any such improvements of or repairing to any public building except upon an itemized statement of such expenditures, approved by the Governor, which itemized statement shall be filed and kept by the Comptroller for public inspection; and provided further, that a duplicate certified copy of the plans, specifications and estimates used in the erection or improvement of any of said buildings shall be filed with and kept by the Secretary of State in his office for public inspection.

SEC. 3. Provided, however, that with the exception of the appropriation made for the account of the State penitentiary and Assistant Attorney General, that the Comptroller of Public Accounts is hereby instructed to draw no warrants against any appropriation made for the various State institutions and departments of this State unless an itemized statement, under oath, be filed as a voucher in office of said Comptroller.

SEC. 4. It is hereby required of each and every institution of this State to keep an itemized account and record of all moneys received from sales of all property, products, animals and leases of property; and the managers, presidents and superintendents of all such institutions shall cause to be made semi-annually to the Comptroller of Public Accounts an itemized statement, showing all such sales and moneys received therefrom and from such leases; provided, that the Superintendent of Penitentiaries and the Regents of the University shall not be required to do more than is at present provided by law, and they are exempt from the operation of this section.

SEC. 5. The fact that there is no appropriation for the support of the State government from March 1, 1901, to August 31, 1901, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 95, nays 13; and was reported to the Senate, where same was amended and passed by two-thirds vote, yeas 20, nays 3; Free Conference Committee report adopted by House by two-thirds vote, yeas 83, nays 24, and was adopted by the Senate, no vote given.]

Approved April 12, 1901.

FRATERNAL BENEFICIARY SOCIETIES—AMENDMENT TO  
LAW OF.

S. H. B. No. 124.] CHAPTER LXXXVI.

An Act to amend Section 6 of an act entitled "An Act to define and regulate fraternal beneficiary societies, orders or associations; to prescribe the terms and conditions on which such societies organized under the laws of other States or those doing business in other States may be permitted to do business in Texas; and to define the duties of the Commissioner of Insurance in this State in relation thereto; providing for the incorporation of societies," being Chapter 115 of the General Laws, passed by the Twenty-sixth Legislature at its Regular Session; and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 6 of the above recited act be and the same is hereby amended so as to hereafter read as follows:

Section 6. Any such association refusing or neglecting to make the report provided for in this act, (or that shall fail to pay any valid final judgment rendered against it in any of the courts of this State within sixty days after the rendition thereof), shall be excluded from doing business within this State. Said Commissioner of Insurance must within sixty days after failure to make such report, or in case any such association shall exceed its powers, or shall conduct its business fraudulently, or shall fail for a period of sixty days to pay off any valid final judgment which may be rendered against it in any of the courts of this State, or shall fail to comply with any of the provisions of this act, give notice in writing to the Attorney General, who shall immediately commence an action against any such association to enjoin the same from carrying on any business in this State; and no injunction against any such association shall be granted by any court except on application of the Attorney General, after the request of the Commissioner of Insurance, whether the State or a member or other party seeks relief. No association so enjoined shall continue business until such report shall be made. (nor until such valid final judgment shall be paid) or overt act or violation complained of shall have been corrected, nor until the costs of such action be paid by it; provided, the courts shall find that such association was in default as charged, whereupon the Commissioner of Insurance shall reinstate such association, and not until then shall such association be allowed to again do business in this State.

SEC. 2. The fact that there is no law in this State regulating fraternal beneficiary associations, whereby such associations may be compelled to pay judgments rendered against them in the courts of this State, thereby causing inconvenience to a large number of people, creates an emergency and an imperative public necessity requiring that the constitutional rule which requires bills to be read on three several days in each house be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate by two-thirds vote, yeas 22, nays 0.]

Approved April 15, 1901.

Takes effect 90 days after adjournment.

## WAREHOUSES AND WAREHOUSEMEN—PROVIDING FOR THE REGULATION OF.

H. B. No. 385.]

### CHAPTER LXXXVII.

An Act to define public warehousemen and public warehouses, and to regulate the business of public warehousemen, public warehouses, and the issuance of public warehouse receipts; and to define and punish violations of this act..

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all persons, firms, companies or corporations who shall receive cotton, tobacco, wheat, rye, oats, rice, whisky, oil, or any kind of produce, wares, merchandise, or any description of personal property in store for hire, under the provisions of this act, shall be deemed and taken to be public warehousemen, and all warehouses which shall be owned or controlled, conducted and managed in accordance with the provisions of this act, shall be deemed and taken to be public warehouses; provided, that a public warehouse for the storage of cotton may, within the meaning of this act, include a lot or parcel of land inclosed with a lawful fence, the gates or entrances to which shall be kept securely locked at night.

SEC. 2. That the owner, proprietor, lessee or manager of any public warehouse, whether an individual, firm or corporation, before transacting any business in such public warehouse, shall procure from the county clerk of the county in which the warehouse or warehouses are situated, a certificate that he is transacting business as a public warehouseman under the laws of the State of Texas, which certificate shall be issued by said clerk upon a written application, setting forth the location and name of such warehouse or warehouses, and the name of each person, individual, or a member of the firm, interested as owner or principal in the management of the same; or if the warehouse is owned or managed by a corporation, the names of the president, secretary and treasurer of such corporation shall be stated, which application shall be received and filed by such clerk and preserved in his office; and the said certificate shall give authority to carry on and conduct the business of a public warehouse within the meaning of this act, and shall be revokable only by the district court of the county in which the warehouse or warehouses are situated, upon a proceeding before the court, on complaint by written petition of any person, setting forth the particular violation of the law, and upon process, procedure and proof, as in other civil cases. The person receiving a certificate as herein provided for, shall file with the county clerk granting same, a bond payable to the State of Texas, with good and sufficient surety, to be approved by said clerk, in the penal sum of five thousand dollars (\$5000), conditioned for the faithful performance of his duty as a public warehouseman, which said bond shall be filed and preserved in the office of such clerk.

SEC. 3. That on application of the owner or depositor of the property stored in a public warehouse, the warehouseman shall issue over his own signature, or that of his duly authorized agent, a public warehouse receipt therefor, to the order of the person entitled thereto, which receipt shall purport to be issued by a public warehouse, shall bear date of the day of its issue, and shall state upon its face the name of the warehouse and its location, the description, quantity, number and marks of

the property stored, and the date on which it was originally received in warehouse, and that it is deliverable upon the return of the receipt properly endorsed by the person to whose order it was issued, and on payment of all charges for storage. All such receipts shall be numbered consecutively, in the order of their issue, and when such receipt is for cotton, the receipt shall state whether the cotton therein described is exposed to the weather or is under shelter; and a correct record of such receipts shall be kept in a well bound book which shall be, at all reasonable hours, open to examination by any interested person, and no two receipts bearing the same number shall be issued from the same warehouse during the same year, nor shall any duplicate receipt be issued, except in the case of a lost or destroyed receipt, in which case the new receipt shall bear the same date and number as the original, and shall be plainly marked on its face "Duplicate"; and provided that no such duplicate receipt shall be issued by the public warehouseman, until adequate security acceptable to the warehouseman, be deposited with or to the order of said warehouseman, to protect the party or parties who may finally hold the original receipt in good faith and for a valuable consideration.

SEC. 4. That no public warehouse receipt shall be issued, except upon the actual previous delivery of the goods into the public warehouse or on the premises and under the control of the public warehouseman by whom it purports to be issued, and the name of the warehouse shall invariably be specified in such receipt.

SEC. 5. That on the presentation and return to the warehouseman of any public warehouse receipt issued by him and properly endorsed, and the tender of all proper warehouse charges upon the property represented by it, such property shall be delivered immediately to the holder of such receipt; but no public warehouseman who shall issue a receipt for goods, shall under any circumstances or upon any order or guarantee whatsoever, deliver the property for which receipts have been issued, until the said receipt shall have been surrendered and canceled, except in case of lost receipts, as provided for in Section 3 hereof, and in default of the strict compliance with the provisions of this section of this act, he shall be held liable to the legal holder of the receipt for the full value of the property therein described, as it appeared on the day of the default, and shall, furthermore, be liable to the special penalty herein provided. Upon delivery of the goods from the warehouse upon any receipt, such receipt shall be plainly marked in ink across its face with the word "canceled," with the name of the person canceling the same, and shall thereafter be void, and shall not again be put in circulation.

SEC. 6. That no public warehouseman shall insert in the public warehouse receipt issued by him any language limiting or modifying his liabilities or responsibilities as imposed by the laws of this State, excepting, "not accountable for leakage or depreciation," or words of like import and meaning.

SEC. 7. That the receipt issued against property stored in public warehouses, as herein provided for, shall be negotiable and transferable by endorsement in blank or by special endorsement, and delivery in the same manner and to the same extent as bills of exchange and promissory notes now are, without other formality, and the transferee or holder of such public warehouse receipt shall be considered and held as the actual and exclusive owner, to all intents and purposes, of the property therein



described, subject only to the lien and privilege of the public warehouseman for storage and other warehouse charges; provided, however, that all such public warehouse receipts as shall have the words "not negotiable" plainly written or stamped on the face thereof, shall be exempt from the provisions of this section; and provided further, that no public warehouseman shall issue warehouse receipts against his own property in his own warehouse, but upon sale of such property in good faith, may issue to the purchaser his public warehouse receipt in form and manner as herein provided, which issue and delivery of the receipt shall be deemed to complete the sale, and shall constitute the purchaser full owner, as aforesaid, of the property therein described. Nothing in this last clause shall be construed to exempt the issuer of said receipt for his own goods in his own public warehouse, from complying with and being subject, in all respects, to all other sections and provisions of this act.

SEC. 8. That any public warehouseman who violates any of the provisions of this act shall be deemed guilty of criminal offense, and upon indictment and conviction thereof shall be punished by fine in any sum not exceeding five thousand dollars, or imprisonment in the State penitentiary not exceeding two years, or by both such fine and imprisonment. And every and all persons aggrieved by the violations aforesaid, shall have the right to maintain an action against the person or persons, corporation or corporations, so violating any of the provisions of this act, for the recovery of damages which he or they may have sustained by reason of such violation aforesaid, before any court of competent jurisdiction, whether such person or persons so violating shall have been convicted of criminal offense under this act or not.

SEC. 9. That nothing in this act shall be construed to apply to private warehouses or to the issue of receipts by their owners or managers under existing laws, or to prohibit public warehousemen from issuing such receipts as are now issued by private warehousemen under existing laws, provided, that such private warehouse receipts issued by public warehousemen shall never be written on a form or blank indicating that it is issued from a public warehouse, but shall, on the contrary, bear on its face in large characters the words, "Not a public warehouse receipt."

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 15, 1901.

Takes effect 90 days after adjournment.

## UNSURVEYED SCHOOL LANDS—SALE OF.

H. B. No. 98.]

### CHAPTER LXXXVIII.

An Act to amend Section 6, Chapter 11, Acts of the Twenty-sixth Legislature, passed at the First Called Session, known as S. S. B. No. 2, and approved February 23, 1900, relating to the sale of unsurveyed school land.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:*

That Section 6, of Chapter 11, General Laws of the Twenty-sixth Legislature, First Called Session, be amended to read as follows, to wit:

Section 6. Any person desiring to purchase any portion of the land herein appropriated to the public school fund out of a tract containing 2,560 acres or less in the counties named in Section 3 of said act, of February 23, 1900, or out of any sized tract in any county in the State other than those named in said Section 3, shall first make to the surveyor of the county or district in which the land, or a part thereof, is situated, written application, signed and sworn to by the said applicant, giving his postoffice address, and designating the land he desires to purchase by metes and bounds, as near as practicable, and stating that he desires to have said lands surveyed with the intention of purchasing the same, and that he is not acting in collusion with or attempting to acquire said land for any other person, stating therein whether or not he is claiming any preference right to purchase, and the nature of such preference right. It shall be the duty of the surveyor to file and record such application, and within sixty days of the filing thereof, to survey said land in accordance with the directions of the Commissioner of the General Land Office, into a section or sections, of one mile square each, whenever practicable, in case one or more sections are applied for; and in all cases such land shall be surveyed in a square or rectangular shape whenever practicable, and within thirty days of the date of said survey the surveyor shall certify to, record and plat the field notes of the same and return same and the application to the General Land Office, and he shall state whether or not the land is agricultural, grazing or timbered, and if timbered the probable value of the land. The applicant shall pay to the surveyor one dollar for filing and recording said application, and shall pay such other fees as are now or may be provided by law for surveying lands. If the Commissioner of the General Land Office finds that the field notes are correct, and that the survey has been made according to law, he shall at once approve and file said field notes, and classify and value the land as the law requires, and notify, by mail, the applicant that the land is on the market, for sale, stating the classification and value thereof, and within sixty days of the mailing of said notice the applicant shall make application and affidavit to purchase said land, describe said land sought to be purchased in accordance with the field notes approved by the Commissioner of the General Land Office and make first payment to the State Treasurer, and execute his obligation for the unpaid purchase money in the manner provided by law for surveyed school lands; provided, if the lands sought to be purchased are detached lands, as defined in Section 5 of this act, the affidavit shall not be required to state that he desires the same for a home or that he is actually settled thereon. If, on the expiration of sixty days from the giving of notice of classification and valuation, the Commissioner of the General Land Office shall not have received the application to purchase such lands as herein provided, then he shall place said lands on the market for sale as other surveyed school lands; provided, that where any of said lands have been surveyed prior to January 1, 1901, upon application to purchase and survey under said Act of February 23, 1900, and the field notes have been recorded by the surveyor said field notes may be recognized and accepted by the Commissioner of the General Land Office, except where in conflict with older surveys, upon the filing of

either the original field notes or certified copies of record of such surveys; provided further, that the Commissioner of the General Land Office shall in making sales of such lands carry out the preference right provisions of Section 7 of said Act of February 23, 1900; provided further, that all tracts or parcels of unsurveyed school lands containing six hundred and forty acres, or less, and which are now or may hereafter become detached from other public lands, shall be sold, at not less than one dollar per acre cash, without the conditions of actual settlement, as now provided by law relating to the sale of other public school lands, or to actual settlers on the same terms and conditions that surveyed lands are sold to actual settlers. This proviso, however, shall not apply to school lands lying west of the 97th meridian of longitude.

SEC. 2. Whereas, many citizens have gone upon the lands above referred to, established their homes and made valuable improvements believing that the same were on the market for sale and that the county surveyors were authorized under the act of February 23, 1900, to make such surveys, creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate where it was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 15, 1901.

Takes effect 90 days after adjournment.

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## RAILWAY CROSSINGS—AUTHORIZING RAILROAD COMMISSION TO REGULATE.

S. B. No. 166.]

CHAPTER LXXXIX.

An Act to authorize, require and empower the Railroad Commission of the State of Texas to regulate railways crossing each other; to provide for interlocking, or other safety appliances or devices of equal security, to prevent trains colliding at such crossings, and to provide a penalty for refusal to comply with the provisions of this act; and to repeal all laws and parts of laws in conflict with this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That where it should become necessary for the track of one railroad company to cross the track of another railroad company, it shall be the duty of the Railroad Commission of the State of Texas to ascertain and define by its decree the mode of such crossings which will occasion the least probable injury upon the rights of the company owning the road which is intended to be crossed; and if it should appear to the said Commission that it is reasonable and practicable to avoid a grade crossing said Commission shall by its order prevent the same.

SEC. 2. That in any case where the tracks of two or more railways cross each other at a common grade in this State it shall be the duty of

such railroad company to protect such crossings by interlocking or other safety devices and regulations to be designated by the Railroad Commission of Texas, to prevent trains colliding at such crossings; provided, that all railway companies in this State shall have one year after the passage of this bill, in which to comply with the provisions hereof.

SEC. 3. In case any railway company shall hereafter seek to cross at grades with its track or tracks, the track or tracks of another railroad, the railroad seeking to cross at grade shall be compelled to interlock, or protect such crossings by safety devices to be designated by the Railroad Commission and to pay all costs of appliances together with the expense of putting them in; provided, that this act shall not apply to crossings of side tracks.

SEC. 4. Whenever interlocking or other safety devices are constructed and maintained in good order to the satisfaction of the Railroad Commission in compliance with Sections 2 and 3 of this act, then and in that case it shall be lawful for the engines and trains of such railroad or railroads to pass over such crossings without stopping.

SEC. 5. Any company, corporation, receiver, or person operating any railroad who shall refuse or neglect to comply with any order made by the said Railroad Commission in pursuance with the terms of this act shall forfeit and pay to the State of Texas a penal sum of five hundred dollars per week for each week of such refusal and neglect, which said sum may be recovered in suit or suits to be brought by the Attorney General of the State of Texas in the name of the State of Texas, upon duly verified information of such refusal and neglect, by any such railway company being lodged with said Attorney General by the said Railroad Commission.

SEC. 6. All laws and parts of laws in conflict with the provisions of this act are hereby repealed. The near approach of the end of the present session and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given, and was reported to the House of Representatives where same was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved April 15, 1901.

Takes effect 90 days after adjournment.

#### PUBLIC WEIGHERS—AMENDMENT.

H. B. No. 296.]

#### CHAPTER XC.

An Act to amend Articles 575 and 576 of Chapter 6, Title XIV, of the Penal Code of the State of Texas, relating to public weighers and to persons weighing for the public, and to punish such persons for using false balances or instruments for weighing, and for fraudulently giving a wrong weight or certifying to a wrong weight, and to prescribe a penalty for violating same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:*

That Articles 575 and 576, Chapter 6, Title XIV, of the Penal Code of the State of Texas, be so amended so as to read as follows, to-wit:

Article 575. If any person is elected or appointed public weigher under the laws of this State, or if any person, whomsoever who is engaged in the business of weighing for the public and who holds himself out to weigh for the public shall fraudulently use any false balances, scales or instruments for weighing or shall, in the exercise of his duty as such public weigher, or as such weigher for the public, fraudulently give the wrong weight of any article whatever weighed by him, he shall be punished by fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed one year.

Article 576. If any public weigher in this State, or his deputy, or if any person, whomsoever, who is engaged in the business of weighing for the public, or who holds himself out to weigh for the public shall wilfully or fraudulently certify to or sign any false weight of cotton, sugar, wool, hides or other commodity, he shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

SEC. 2. The fact that there is no adequate penalty for using false instruments, or for giving false certificates of weight, and the crowded condition of the calendar, creates an emergency and an imperative public necessity justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended; and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and was reported to the Senate where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 15, 1901.

Takes effect 90 days after adjournment.

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## RAILROAD BONDS.

S. B. No. 298.]

### CHAPTER XCI.

An Act further regulating the amendment of charters of corporations incorporated for the purpose of constructing, owning, maintaining and operating railroads, and providing for the making of extensions thereof, and branch lines thereof, under and by virtue of such amendments and regulating the issuance of stocks and bonds to pay for the construction of such extensions and branch lines and terminal facilities, and to prohibit the attachment of liens theretofore existing upon the property of such extensions and branch lines and terminal properties, and to provide the manner and means of accomplishing such purposes.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That any corporation incorporated for the purpose of constructing, owning, maintaining and operating a railroad under the laws of this State and which now owns a line of railway already con-

structed, which has outstanding stocks and also outstanding bonds secured by a mortgage lien upon its property, or by any other character of lien, may amend its charter in accordance with Chapter 1, Title XCIV, of the Revised Statutes of the State of Texas, and in accordance with the Constitution and laws of this State, and may provide by such amendment for the making of any extension or extensions or branch line or lines that it may desire to construct and may issue stocks and bonds, or bonds, in an amount equal to the reasonable value of such extension or extensions or such branch line or lines and such terminal properties as it may acquire, the same to be issued in accordance with the provisions of Chapter 14, Title XCIV, of the Revised Statutes of the State of Texas, and the Railroad Commission of the State of Texas is hereby empowered to authorize the execution and issuance of such stocks and bonds, or bonds, and in determining the right to issue such stock and bonds, said Commission shall not consider the amount of outstanding stock or indebtedness or bonds previously issued and secured by lien upon the property of such corporation theretofore constructed; provided, that any existing mortgages or liens upon the property of such corporation constructed or owned prior to the time of making such amendment of its charter and to the construction of such extension or extensions or branch line or lines, or to the acquiring of such terminal properties, shall not attach to or become a lien upon the extension or extensions, branch line or lines, or terminal properties constructed or acquired under such amended charter.

SEC. 2. This act shall not be so construed as to in any wise repeal or impair the provisions of Chapter 14, Title XCIV Revised Statutes of the State of Texas, or any other statute of the State, except in so far as the same may be changed by the provisions of this act.

SEC. 3. Whereas there is no provision in the Statutes of the State of Texas, whereby an extension either of the main line or branch line of an existing railway can be provided for and stock and bonds issued for constructing the same, on many of the railways of this State there exists an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is therefore suspended and this bill shall take effect and be in force from and after its passage and it is so hereby enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 31, nays 0, and passed the House of Representatives by two-thirds vote, yeas 98, nays 0.]

Approved April 15, 1901.

Became a law April 15, 1901.

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## RAILROADS—VALIDATING CHARTERS OF.

H. B. No. 379.]

CHAPTER XCII.

An Act to amend Article 4365, of the Revised Civil Statutes of the State of Texas, and to validate all charter amendments in accordance with this article as amended.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:*

That Article 4365 of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so that the same shall hereafter read as follows:

Article 4365. Any railroad company may by its original articles of incorporation, or by its amendments to its charter project and provide for the locating, constructing, owning and operating of branch lines from any points on its main line or from any points on its branch line (constructed or projected) to any other points making an angle of at least twenty-five degrees in the general course from the main line (if the branch commence from the same) or from the branch line if it commence at a point on the same; provided, that the same may commence at the terminus of a branch line and continue in its general course; and may by amendment to its charter, provide for the continuation in its general course of the main line; that any and all amendments of charters, acts or articles of incorporation approved by the Attorney General of the State, or his lawful representative, by which any branch railroad or railroads has or have been constructed in accordance with the provisions of this article as herein provided are authorized, validated, sanctioned and confirmed, to the same extent as though this article had always read as now amended.

SEC. 2. The fact that there is now no clear and adequate provision for the construction of branch lines of railroads, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended and that this act shall take effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 15, 1901.

Takes effect 90 days after adjournment.

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## PUBLIC SCHOOLS—CURRICULUM OF.

S. B. No. 37.]

### CHAPTER XCIII.

An Act to amend Article 3909a, Title 86, Chapter 7, of the Revised Statutes of 1895, relating to the public school curriculum.

*Be it enacted by the Legislature of the State of Texas:*

That Chapter 7, Title 86, Article 3909a be amended so as to read as follows:

Article 3909a. All public schools in this State shall be required to have taught in them orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, composition, physiology and hygiene, including the effects of alcoholic stimulants and narcotics on the human system, mental arithmetic, Texas history, United States history and civil government, and other branches as may be agreed on by the trustees or directed by the State Superintendent.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and was reported to the House of Representatives where same was amended and passed; the Senate refused to concur in House amendments and asked for Free Conference Committee; the report of the Free Conference Committee was adopted by the Senate by two-thirds vote, yeas 26, nays 0; and was adopted by the House no vote given.]

Approved April 16, 1901.

Takes effect 90 days after adjournment.

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SCHOOL LANDS—EXTENDING TIME OF PAYMENT FOR IN  
BRAZORIA, FORT BEND, WALLER, HARRIS  
AND MATAGORDA COUNTIES.

H. B. No. 136.]

CHAPTER XCIV.

An Act to provide relief for purchasers of school lands in Wharton, Brazoria, Waller, Fort Bend, Harris and Matagorda counties, by relieving such purchasers from the payment of principal and interest for a period of two years.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the purchasers of school lands located in the counties of Wharton, Brazoria, Waller, Fort Bend, Harris and Matagorda be and the same are hereby granted an extension of two years on the payment of principal and interest thereon, now due and to become due and payable within said two years, dating from January 1, 1900.

SEC. 2. That under this act it is provided that no school lands situated in said counties of Wharton, Brazoria, Waller, Fort Bend, Harris and Matagorda shall be forfeited for a failure to pay, when due, of any sum of principal or interest due, or to become due thereon during such term of two years.

SEC. 3. That upon the expiration of said two years the yearly principal and interest on said school lands shall be payable as is now provided by law, it being the intention of this act to defer annual payments of principal and interest on such lands for said term of two years.

SEC. 4. Whereas by reason of the recent calamities suffered by the purchasers of school lands in said counties of Wharton, Brazoria, Waller, Fort Bend, Harris and Matagorda, rendering them unable to meet the deferred payments of principal and interest thereon, and thereby creating an emergency and imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended and said rule is so suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.



**MIER PRISONERS—APPROPRIATION TO ERECT VAULT FOR REMAINS OF.**

H. B. No. 206.]

**CHAPTER XCV.**

An Act to appropriate one thousand dollars to erect a vault for the deposit of the remains of the Mier prisoners.

Whereas, The remains of the Mier prisoners, who were massacred during the war of Texas with Mexico, were many years ago, deposited in a concrete vault near LaGrange in Fayette county; and

Whereas, Said vault has fallen to pieces, and portions of said remains are being scattered upon the ground, and are being carried away as souvenirs by many people who visit said vault; therefore,

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas:* That the sum of one thousand dollars be and the same is hereby appropriated out of any money belonging to the general revenue of the State of Texas not otherwise appropriated, or so much thereof as may be necessary, for the purpose of erecting a vault at or near LaGrange, Fayette county, for the deposit of said remains, and that the Superintendent of Public Buildings and Grounds be and he is hereby authorized and empowered to contract for the erection of said vault, said contract to be approved by the Governor, and when said contract shall have been completed according to contract, the Superintendent of Public Buildings and Grounds shall receive the same, and the Comptroller is hereby authorized to draw warrants for the payment of the expenses incurred in the erection of said vault, when said claims have been approved by the Superintendent of Public Buildings and Grounds, and by the Governor.

**SEC. 2.** The Superintendent of Public Buildings and Grounds is hereby authorized and empowered to act in concert with a committee of three citizens of LaGrange, Fayette county, Texas, to be selected and appointed by the Governor, on erecting said vault; provided, that no such committee is to be appointed by the Governor unless the citizens of Fayette county shall have first deposited with said Superintendent the sum of one thousand dollars to be used in erecting a monument in connection with said vault.

**SEC. 3.** The facts stated in the preamble of this bill create an emergency requiring that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by two-thirds vote, yeas 25, nays 0.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

## UNLAWFUL SALE OF INTOXICATING LIQUOR—AMENDMENT TO LAW OF.

H. B. No. 371.]

## CHAPTER XCVI.

An Act to amend Chapter 6, Title XI, of the Penal Code of the State of Texas, by adding thereto Article 402a, relating to C. O. D. shipments of intoxicating liquors into any county, justice precinct, city or town, or subdivision, in which sale thereof is prohibited by law; declaring same to be a sale at the place of delivery, and declaring a sale to be made at the point where orders are solicited in territory where the sale of intoxicating liquor is prohibited if the same be subsequently filled.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 6, Title XI, of the Penal Code of the State of Texas, be amended by adding thereto Article 402a, and that the same shall read as follows:

Article 402a. That in all contracts of sale and shipment of intoxicating liquor from any point in this State to any other point within this State located in any county, justice precinct, city or town, or subdivision in which the sale of intoxicating liquor has been prohibited under the laws of this State, where the terms of said contract is C. O. D. or "Collect on Delivery," that the same is and shall be a sale at the point where said goods are delivered and paid for; and provided further that where orders are solicited for intoxicating liquor in any territory within this State, where the sale of intoxicating liquor has been prohibited by law and such order is subsequently filled, the sale shall be construed to have been made at the place where such order was solicited.

SEC. 2. Whereas, there is now no law adequately regulating the sale of intoxicating liquor in territory where the sale of intoxicating liquor is prohibited by law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that said rule is hereby suspended and this act take effect and be in force from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate, where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

## BRAZORIA COUNTY—AID OF.

H. B. No. 409.]

## CHAPTER XCVII.

An Act to aid Brazoria county, Texas, by supplementing the road and bridge fund by donating and granting to it the State ad valorem and three-fourths of the occupation taxes collected upon property and persons in said county for a period of two years; and providing for a proper transfer to said fund.

Whereas, on the 8th day of September, A. D. 1900, there occurred in

the county of Brazoria, State of Texas, a great public calamity, same being a most terrible and destructive cyclone, or hurricane, and attended by overflowing streams, such as never occurred before in the memory of the oldest inhabitant, which, within a few hours, entirely destroyed or wrecked every dwelling or business house, school house or church, all houses, sheds, fences, bridges and culverts throughout said county; and

Whereas, this great calamity was preceded in July, 1899, by a calamitous overflow in the Brazos river, which swept through the heart of Brazoria county, twenty-five miles wide, completely destroying and washing away a large number of bridges, some of which were the most costly in said Brazoria county, and over the largest streams, which had required a great period of years to accumulate a sufficient fund to construct said bridges out of the road and bridge fund of said Brazoria county; and as a result of these two great calamities said Brazoria county is practically bankrupt; and having no road and bridge fund out of which to repair and rebuild the bridges of said Brazoria county; and the rebuilding of said bridges is an imperative and urgent necessity, and cannot be dispensed with by the people of Brazoria county; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the net amount of all moneys received by the State from the State ad valorem and three-fourths of the occupation taxes collected upon property and from persons in the county of Brazoria, Texas, for a period of two years from January 1st, 1901, be and the same are hereby donated and granted to the county of Brazoria, for the purpose of aiding said county, by supplementing its road and bridge fund, in order to enable said county to repair and rebuild the bridges of said county.

SEC. 2. The Comptroller of the State shall keep proper accounts of all ad valorem and occupation taxes collected in said county and each month as said taxes are collected they shall be remitted to the county treasurer of Brazoria county, Texas, and the amount of said taxes herein provided for shall be placed to the credit of the road and bridge fund of said county, and become a part thereof, and shall be subject to the General Laws governing the expenditure of all road and bridge funds.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

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## COTTON—TRACING ILLEGALLY DISPOSED OF.

H. B. No. 432.]

### CHAPTER XCVIII.

An Act to facilitate the tracing of stolen or illegally disposed of cotton.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That hereafter every person, firm, corporation or association of persons owning, controlling or operating a public cotton gin in this State, shall

keep or caused to be kept a public record of all cotton brought to them for ginning and packing. Such record shall correctly show the amount of cotton received, date of its receipt, by whom brought to the gin and the name or names of the party or parties claiming to own the same.

SEC. 2. That said ginner after ginning and packing said cotton shall place or cause to be placed on each bale of cotton the initials of the party or parties claiming to own said cotton, under which he shall place some private ginners mark, all of which shall be put upon record in the book before mentioned.

SEC. 3. That hereafter every person, firm, corporation or association of persons who shall buy cotton in this State, shall not change alter or deface the marks and brands on such cotton.

SEC. 4. That any person, firm corporation or association of persons failing, neglecting or refusing to comply with any of the provisions of this act shall be punished by a fine in any sum not more than twenty-five dollars.

SEC. 5. The fact that there is now no statute providing for the tracing and identification of stolen or illegally disposed of cotton, creates an emergency and an imperative public necessity, that the constitutional rule requiring bill to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

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## BLACKLISTING—DEFINING AND PRESCRIBING PENALTY THEREFOR.

S. B. No. 51.]

### CHAPTER XCIX.

An Act to protect discharged employes against blacklisting, to define blacklisting, prescribing penalties therefor, and to repeal all laws in conflict with the provisions of this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. No corporation company, or individual shall blacklist or publish, or caused to be blacklisted or published, any employe, mechanic, or laborer discharged by such corporation, company or individual with the intent and for the purpose of preventing such employe, mechanic or laborer from engaging in or securing similar or other employment from any other corporation, company or individual.

SEC. 2. If any officer or agent of any corporation, company or individual, or other person, shall blacklist or publish or cause to be blacklisted or published any employe, mechanic or laborer discharged by such corporation, company or individual, with the intent and for the purpose of preventing such employe, mechanic or laborer from engaging in or securing similar or other employment from any other corporation, company or individual, or shall in any manner conspire or contrive by correspondence or otherwise, to prevent such discharged employe from procur-

ing employment, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than two hundred and fifty dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days or both.

SEC. 3. But this act shall not be construed as prohibiting any corporation, company or individual, from giving in writing, on application from such discharged employe, or any corporation, company or individual who may desire to employ such discharged employe, a truthful statement of the reason for such discharge; provided, that said written cause of discharge, when so made by such person, agent, company or corporation, shall never be used as the cause for an action for libel, either civil or criminal, against the person, agent company or corporation so furnishing same.

SEC. 4. He is guilty of blacklisting who places, or causes to be placed, the name of any discharged employe, or any employe who has voluntarily left the service of any individual, firm, company, or corporation on any book or list, or publishes it in any newspaper, periodical letter or circular, with the intent to prevent said employes from securing employment of any kind with any other person, firm, corporation or company, either in a public or private capacity.

SEC. 5. All laws in conflict with the provisions of this act are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

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## RAILROAD COMMISSION—PENALTY FOR FAILURE TO OBEY ORDERS OF.

S. B. No. 54.]

### CHAPTER C.

An Act to amend Article 4576 of Chapter thirteen, Title ninety-four, of the Revised Statutes of this State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 4576 of Chapter Thirteen, Title Ninety-four, of the Revised Statutes of this State be amended so as to hereafter read as follows:

Article 4576. If any railway company doing business in this State shall hereafter violate any other provision of this chapter, or shall do any other act herein prohibited, or shall fail or refuse to perform any other duty enjoined upon it for which a penalty has not been provided by law, or shall fail, neglect or refuse to obey any lawful requirement, order, judgment or decree made by the Railroad Commission of Texas, for every such act of violation it shall pay to the State of Texas a penalty of not more than five thousand dollars.

[NOTE.—The enrolled bill shows that the foregoing act passed the

Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

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## QUARANTINE.

S. B. No. 56.]

### CHAPTER CI.

An Act requiring disinfection of vessels arriving at ports within this State in compliance with quarantine proclamation of the Governor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Any vessel arriving at a port of this State and required to be disinfected by the terms of the Governor's quarantine proclamation, shall be disinfected by the quarantine officer of such port and shall pay to such quarantine officer such fees as may be prescribed by the Governor, before being released from quarantine. All vessels boarded by the quarantine officer of any port shall pay to such officer such fees as are prescribed by the Governor. The quarantine officer receiving such fees shall give bond in such sum as may be prescribed by the Governor for the safe keeping of such collection, and shall report and remit them to the State Health Officer at least once every month.

SEC. 2. Whereas there is a number of vessels continually coming to our ports that should be disinfected in compliance with quarantine proclamation of the Governor, and whereas, there is now no law requiring the disinfection of these vessels, in compliance with such proclamation, and an emergency and imperative public necessity exists for the immediate passage of this bill and for the suspension of the constitutional rule requiring bills to be read on three several days in each branch of the Legislature, and said rule is therefore suspended and this act shall be in force and effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

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## UNIVERSITY MINERAL LANDS—GIVING BOARD OF REGENTS CONTROL OF.

S. B. No. 71.]

### CHAPTER CII.

An Act to give the Board of Regents of the University of Texas exclusive control, management and disposition of all mineral lands belonging to the University of Texas.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Board of Regents of the University of Texas

are hereby invested with the sole and exclusive management and control of all mineral lands within the domain which has been or may hereafter be appropriated, set aside or acquired by the University of Texas and said Board of Regents are hereby empowered and authorized to sell, lease, manage and control said mineral lands belonging to said University as may seem best to them for the interest of the University and they are further empowered with authority to explore and have explored and develop said mineral lands and to make any contract with any persons whomsoever for the exploration and development of said mineral lands and pay the expenses for such exploration or development out of the proceeds of the lease or sale of said land.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. The fact that the Board of Regents of the University of Texas, have now no authority to manage, control and dispose of the mineral lands belonging to such University and said lands are being neglected for the want of proper attention, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this act take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

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## GAMING.

S. B. No. 101.]

### CHAPTER CIII.

An Act to prohibit the keeping or exhibiting for the purpose of gaming, any gaming table, or bank, or slot machines, pigeon hole table or jenny lind table, or nine or ten pin alley or alley of any kind whatever regardless of the number of pins, balls or rings used for gaming.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That if any person shall keep or exhibit for the purpose of gaming, any gaming table or bank of any name or description whatever, or any table or bank used for gaming which has no name, or slot machine, any pigeon hole table or jenny lind table or nine or ten pin alley, table or alley of any kind whatever, regardless of the number of pins, balls or rings used for gaming, and such pigeon hole table or jenny lind table, or nine or ten pin alley, table or alley of any kind whatever, regardless of the number of pins, balls or rings used or slot machines, shall be considered as used for gaming if the table fees or alley fees, or money or anything of value is bet thereon, or shall be in any manner interested in keeping or exhibiting any such table or bank, or nine or ten pin alley, table or alley of any kind whatever, regardless of the number of pins, balls or rings used, or slot machines, at any place he shall be

punished by a fine of not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail for not less than ten nor more than ninety days, regardless of whether any of the above mentioned games, tables, banks or alleys are licensed by law or not.

SEC. 2. All laws, whether civil or criminal, in conflict herewith are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

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### KING COUNTY—MADE A SEPARATE LAND DISTRICT.

S. B. No. 202.]

#### CHAPTER CIV.

An Act to create King county into a separate land district.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the county of King be and it is hereby made a separate land district.

SEC. 2. The crowded condition of the calendar rendering it improbable that this bill can be read on three several days creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 21, nays 0; and passed the House of Representatives, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

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### SOUTHWEST TEXAS LUNATIC ASYLUM—AUTHORITY TO SINK ARTESIAN WELL.

S. B. No. 281.]

#### CHAPTER CV.

An Act authorizing the board of managers of the Southwest Texas Lunatic Asylum at San Antonio, Texas, in conjunction with the Governor of the State of Texas, to contract for the sinking of an artesian well on the grounds belonging to said asylum.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the board of managers of the Southwest Texas Lunatic Asylum, situated at San Antonio, Texas, be and they are hereby authorized and empowered in conjunction with the Governor of the State



of Texas to contract for the sinking of an artesian well on the grounds belonging to said asylum. The said board of managers, in conjunction with the Governor of the State of Texas, are authorized and empowered to provide the terms and conditions of such contract for the sinking of said artesian well, and are authorized to provide that if fresh water shall be obtained, that said water shall belong to the State and the State shall have the full and free use thereof; and that if hot sulphur water is obtained, then the said board of managers, in conjunction with the Governor, is authorized to dispose of the said sulphur water under the terms and conditions and the authority of the Act of the Twenty-sixth Legislature, approved May, 9th, 1899, providing for the leasing of the sulphur water flowing from the artesian wells on the grounds belonging to said asylum; provided, that the State of Texas shall be put to no expense by reason of the sinking of said artesian well, and the same shall be done without expense to the State.

SEC. 2. The near approach of the close of the present session of the Legislature, and the importance of having an artesian well with a supply of fresh water for the use of said asylum, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 0; and passed the House of Representatives, no vote given.]

Approved April 17, 1901.

Takes effect 90 days after adjournment.

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## HIDES AND ANIMALS—EXEMPTING ARANSAS, HEMPHILL, HIDALGO, CARSON, DICKENS, MOTLEY AND LLANO COUNTIES FROM INSPECTION OF.

S. B. No. 147.]

CHAPTER CVI.

An Act to exempt the counties of Aransas, Hemphill, Hidalgo, Carson, Dickens, Motley and Llano from the provisions and operation of Articles 5002 to 5042, both inclusive, of Chapter six, Title CII, of the Revised Civil Statutes of 1895, relating to the inspection of hides and animals.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the counties of Aransas, Hemphill, Hidalgo, Carson, Dickens, Motley and Llano be and are hereby exempted from the provisions and operation of Articles 5002 to 5042, both inclusive, of Chapter six, Title CII, of the Revised Civil Statutes of 1895, relating to the inspection of hides and animals.

SEC. 2. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

SEC. 3. The fact that the operation of said provisions of law in said counties entails great and unnecessary expense upon the people and stock-

raisers of Aransas, Hemphill, Hidalgo, Carson, Dickens, Motley and Llano counties, and the crowded condition of the calendar, create an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read upon three several days be suspended, and that this bill be in force and take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 0; and was reported to the House of Representatives where same was amended and passed, no vote given; Senate refused to concur in House amendments; report of Free Conference Committee adopted by the House, no vote given; and by the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 3rd day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

## WOOL GROWING INTERESTS—MAKING ARANSAS AND CALHOUN COUNTIES SUBJECT TO LAW OF.

S. B. No. 148.]

### CHAPTER CVII.

An Act to amend Article 5364, Title CXI, of the Revised Civil Statutes of 1895, relating to the "wool growing interests of the State, so as to exclude the counties of Aransas and Calhoun from the counties exempted from operations of said title, and to repeal all laws in conflict herewith, and providing an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 5364, of Title CXI, of the Revised Civil Statutes of 1895, relating to the "wool growing interests" of the State, be amended so as to hereafter read as follows:

Article 5364. The counties of Grayson, Freestone, Gonzales, Morris, Titus, Cass, Marion, Bowie, Red River, Trinity, San Jacinto, Polk, Anderson, Van Zandt, Cameron, Collin, Colorado, Grimes, Houston, Webb, Encinal, Hunt, Hopkins, Ellis, Dallas, Rockwall, Denton, Fannin, Henderson, Brazos, Smith, Panola, Gregg, Lamar, Wood, Rains, Limestone, Cooke, Brown, Comanche, Cherokee, Mills, Montgomery, Shelby, Lee, Burleson, Rusk, Lavaca, Milam, Upshur, Robertson, Camp, Parker, Franklin, Navarro, Karnes, Wilson, Atascosa, San Augustine, Sabine, Fayette, Austin, Leon, Madison, Hill, Bosque, Waller, Fort Bend, Washington, Guadalupe, Caldwell, Hays, Tarrant, Johnson, Clay, Montague, Erath, Hood, Somerville, Bastrop, Harris, Harrison, Camp, Orange, Jefferson, Hardin, Liberty, Chambers, Newton, Tyler, Jasper, Kaufman, Nacogdoches, DeWitt, Victoria, Jackson, Refugio and Goliad, are exempt from the provisions of this title.

SEC. 2. That all laws and parts of law in conflict herewith, be and the same are hereby repealed.

SEC. 3. The fact that there is no law now in force subjecting the counties of Aransas and Calhoun to the operation of Title CIX, of the Revised Civil Statutes of 1895, and the further fact that interests of the sheep-raisers of said counties would be greatly subversed by placing said counties under the provisions of said title, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be in force and effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 3rd day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

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## WEIGHTS AND MEASURES—STANDARDS FOR.

S. B. No. 57.]

### CHAPTER CVIII.

An Act to amend Article 5323, Title CIX, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the 24th Legislature, 1895 relating to the weight of a standard bushel of certain fruits and vegetables.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 5323 Title CIX of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature 1895, be and the same is amended so that it shall hereafter read as follows:

Article 5323. The following shall be the legal number of pounds per bushel: wheat, sixty pounds; corn, shelled, fifty-six pounds; corn in the ear, shucked, seventy pounds; unshucked, in the ear, seventy-two pounds; oats, thirty-two pounds; barley, forty-eight pounds; rye, fifty-six pounds; buckwheat, forty-two pounds; white beans, sixty pounds; Irish potatoes, sixty pounds; sweet potatoes, fifty-five pounds; onions, fifty-seven pounds; turnips, fifty-five pounds; dried apples, twenty-eight pounds; dried peaches, twenty-eight pounds; bran, twenty pounds; Hungarian grass seed, forty-eight pounds; hemp seed, forty-four pounds; flax seed, fifty-six pounds; stone coal, eighty pounds; charcoal, twenty-two pounds; salt, fifty pounds; clover seed, sixty pounds; timothy seed, forty-five pounds; cotton seed, thirty-two pounds; millet seed, fifty pounds; peaches, fifty pounds; tomatoes, fifty-five pounds; apples, forty-five pounds.

SEC. 2. The fact that no standard weight is now established for certain fruits and vegetables, and the time for marketing the same will soon arrive, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 25, nays 0; and passed the House of Representatives by two-thirds vote, yeas 112, nays 3.]

Approved April 18, 1901.

Became a law April 18, 1901.

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### EXAMINATION QUESTIONS—PROHIBITING TRAFFIC IN.

S. B. No. 58.]

#### CHAPTER CIX.

An Act to prohibit the traffic in examination questions used by the county school boards of examiners or by the summer normal boards of examiners in the examination of teachers, and providing a penalty for the violation thereof, and to declare an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That any person or persons who shall sell, barter or give away, prior to any forthcoming examination, to applicants for teachers' certificates, or to any other person, the questions prepared by the State Superintendent of Public Instruction to be used by the county boards of examiners or summer normal boards of examiners in the examination of teachers at said forthcoming examination, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than twenty-five nor more than two hundred dollars.

SEC. 2. The fact that the statutes of Texas make no provision to prohibit the traffic in examination questions, and that the most important examination for teachers are held during April, June, July and August of each year creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and was reported to the House of Representatives, where it was amended and passed by two-thirds vote, yeas 107, nays 0; Senate concurred in House amendments by two-thirds vote, yeas 26, nays, 0.]

Approved April 18, 1901.

Became a law April 18, 1901.

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## PUBLIC SCHOOLS—REGULATING SCHOOL DAYS—AMENDMENT.

S. B. No. 39.]

## CHAPTER CX.

An Act to amend Article 3910, Title 86, Chapter 7, of the Revised Statutes of 1895, relating to school days and school months.

*Be it enacted by the Legislature of the State of Texas:*

That Chapter 7, Title 86, Article 3910, be amended so as to read as follows:

Article 3910. Public schools shall be taught for five days in each week. Schools shall not be closed on legal holidays unless so ordered by the trustees. A school month shall consist of not less than twenty school days inclusive of holidays, and shall be taught for not less than seven hours each day, including intermissions and recesses.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and was reported to the House of Representatives, where same was amended and passed, no vote given; the Senate refused to concur in House amendments, and asked for Free Conference Committee; report of Free Conference Committee was adopted by the Senate by two-thirds vote, yeas 27, nays 0; and adopted by the House, no vote given.]

Approved April 18, 1901.

Takes effect 90 days after adjournment.

## INDEPENDENT SCHOOL DISTRICTS.

S. B. No. 105.]

## CHAPTER CXI.

An Act to amend Section 4, of Chapter VII, of the Act passed by the Called Session of the Twenty-sixth Legislature, approved February 21, 1900, so as to provide that school trustees in independent school districts not in a city or town having an assessor and collector shall elect from the members of the board an assessor and collector of taxes and to prescribe his powers and duties, and the duties of the board with reference to the collection of taxes also for the organization of the board and the election of officers.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Section 4, of Chapter VII, of the Acts of the Called Session of the Twenty-sixth Legislature providing a uniform method of selecting school trustees and approved February 21st, 1900, be so amended as to hereafter read as follows, to wit:

Section 4. The trustees chosen under this act shall meet within twenty days after the election or as soon thereafter as possible, for the purpose of organizing. A majority of said board shall constitute a quorum to do business; and they shall choose from their number a president, secretary, treasurer, assessor and collector of taxes, and other necessary officers and committees. The treasurer shall be required to give bond in double the estimated amount of the receipts coming annually into his hands. Said bond shall be made payable to the president of the board or his successors in office, and be approved by the board of trustees, conditioned for the faithful discharge of his duties and the payment of

the funds received by him upon the draft of the president drawn upon order, duly entered of the board of trustees; and he shall be entitled to retain as commission for his services as such treasurer, one per cent. of all funds coming into his hands; provided, that in independent school districts in cities or towns having a city assessor and collector of taxes, such assessor and collector of taxes, shall assess and collect the taxes for school purposes; provided that in cities and towns having an assessor and collector of taxes the levy of taxes for school purposes shall be based upon the same assessment of property upon which the levy for other city purposes is based; it is further provided, that in such cities and towns the assessor and collector of taxes shall receive no other compensation for collecting school taxes than the compensation paid him for assessing and collecting other city taxes and taxes for school purposes in such cities and towns shall be assessed and collected as other city taxes are assessed and collected.

SEC. 2. The assessor and collector named in Section 1, of this act shall have the same power and shall perform the same duties with reference to the assessment and collection of taxes for free school purposes that are conferred by law upon the city marshal of incorporated towns or villages, and he shall receive such compensation for his services as the board of trustees may allow, except in cities and towns above provided for, not to exceed four per cent. of the whole amount of taxes received by him, and he shall give bond in double the estimated amount of taxes coming annually into his hands, payable to the president of the board or his successors in office, conditioned for the faithful discharge of his duties and that he will pay over to the treasurer of the board all the funds coming into his hands by virtue of his office as such assessor and collector; provided, that in the enforced collection of taxes the board of trustees shall perform the duties which now devolve in such cases upon the city council of an incorporated city or town; the president of the board of trustees shall perform the duties which devolve in such cases upon the mayor of an incorporated city or town, and the county attorney of the county in which the independent school district is located, shall perform the duties which in such cases devolve upon the city attorney of an incorporated city or town under the provisions of Chapter 103, General Laws Regular Session Twenty-fifth Legislature.

SEC. 3. All laws and parts of laws in conflict with this act be and are hereby repealed.

SEC. 4. The fact that the passage of this bill would be of much value to the public schools of this State and the crowded condition of the calendar, creates an emergency and imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended, and this act shall be in force and effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and was reported to the House of Representatives, where it was amended and passed, no vote given; Senate refused to concur in House amendments, and asked for Free Conference Committee; Senate adopted report of Free Conference Committee, no vote given; House adopted report of Free Conference Committee, no vote given.]

Approved April 18, 1901.

Takes effect 90 days after adjournment.

## CORPORATIONS—ACT TO FORBID THE ISSUANCE OF MERCHANDISE CHECKS TO EMPLOYEES.

H. B. No. 157.]

CHAPTER CXII.

An Act to forbid the issuance by any person, firm, association of persons, corporations, or the agents of either, of any ticket, check, or writing obligatory, to any servant or employe for labor, redeemable or payable only in goods or merchandise by the said person, firm, associations of persons, or corporation, and to provide a penalty for the violation of this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That hereafter it shall be unlawful for any person, firm, association of persons, corporation, or agent of either, to issue any ticket, check or writing obligatory, to any servant or employe for labor redeemable or payable only in goods or merchandise, and all such tickets, checks or writing obligatory so issued, shall be redeemable and payable in current funds of the United States of America, or in goods or merchandise at the option of the holder thereof. And any contract or agreement to take and receive such tickets, checks or writing obligatory, redeemable only in goods or merchandise shall be null and void, and as against public policy; provided, that this act shall not apply to any person, firm or corporation having a monthly pay-day, and whose employes or laborers are paid regularly once a month in current funds of the United States, and whose checks, coupons and writings obligatory payable in merchandise only, are issued at the instance and request of such laborers or employes made during the current month and before said monthly pay-day. This act shall not apply to merchants who issue coupon books to tenants working on farms.

SEC. 2. Any person, or the agent or any person, firm, association of persons or corporation, who shall violate any provisions in the foregoing section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than five nor more than sixty days.

SEC. 3. The fact that there is no law now which protects laborers from the imposition of their employes by the evils herein sought to be remedied, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 89, nays 3; and was reported to the Senate, where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 18, 1901.

Takes effect 90 days after adjournment.

## INDEPENDENT SCHOOL DISTRICTS—AMENDMENT.

H. B. No. 218.]

## CHAPTER CXIII.

An Act to amend Chapter 113, Section 1, Acts of the Twenty-fifth Legislature, Regular Session, by adding thereto a provision for the organization of independent school districts, which may embrace in their territory portions of two or more counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 113, Section 1, Acts of the Twenty-fifth Legislature, Regular Session, be so amended as to read as follows:

Section 1. All towns and villages within the State heretofore regularly incorporated for free school purposes, and which embrace within their incorporated territory towns heretofore incorporated for municipal purposes, which latter had ceased to exercise the functions of a municipal corporation, or which had not assumed control of the public schools within their limits when the former was incorporated, are hereby declared valid and lawful incorporations, for free school purposes, from the date of their incorporation, and all acts of any such town or village incorporated for free school purposes heretofore done or hereafter to be done shall have the same force and effect as the acts of a valid and lawful incorporation for such purposes; and it is further provided, that any town or village organized as an independent school district, which may embrace in its territory portions of two or more counties, is hereby declared a valid incorporation for free school purposes from the date of its incorporation.

SEC. 2. Whereas there is no law on the statute books of this State to organize independent school districts as herein provided, creates an emergency and an imperative public necessity for its immediate passage and effect, the constitutional rule requiring bills to be read upon three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 18, 1901.

Takes effect 90 days after adjournment.

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## ROAD LAW—GENERAL.

H. B. No. 250.]

CHAPTER CXIV.

An Act to create a more efficient road system for the counties in this State, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for their compensation as such road commissioners; and providing for the condemning of material for the construction and maintenance of public roads, and to provide for the compensation for the material used; and providing for the working of county convicts on the public roads and the purchase of supplies for such convicts, and rewards for the capture of escaped county convicts and for commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers, and to provide for the summoning of hands and teams for road work and the allowance for time for services of hands and teams on public roads; and fixing a penalty for violation of same and relieving them from the payment of such work by the payment of three dollars; and providing further, making this act cumulative of the General Laws now in force; and to repeal all laws in conflict with this act; and declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That hereafter in all counties of this State, as shown by the United States official national census of 1900, to contain as many as 40,000 inhabitants, the members of the commissioners court shall be ex-officio road commissioners of their respective precincts, and under the direction of the commissioners court shall have charge of the teams, tools and machinery belonging to the county and placed in their hands by said court, and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads and the building of bridges. Each of the county commissioners shall before entering upon the duties of road commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge, and his successors in office, and to be approved by the county judge, for the use and benefit of the road and bridge fund, conditioned that they will perform all the duties required of them by law, or by the commissioners court, and that they will account for all money or other property belonging to the county that may come into their possession.

SEC. 2. The commissioners court shall have full power and authority and it shall be their duty to adopt such system for working, laying out, draining and repairing the public roads as they may deem best, and from time to time said court may change their plan or system of working. The commissioners court shall have the power to purchase such teams, tools and machinery as may be necessary for the working of public roads. Said court shall have the power to construct, grade, or otherwise improve any road or bridge by contract. In such cases, said court or county judge may advertise in such manner as said court may determine for bids to do the work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into a bond, payable to the county judge and his successors in office, for the use and benefit of the road and bridge fund, with two or more good and sufficient sureties, to be approved by the commissioners court, and in such sum as said court may determine, for the faithful performance of the terms of said contract, but said court shall have the right to reject any or all bids. At the time of making any such contract the court shall direct the county treasurer to pass the amount

of said contract to a particular fund for that purpose, and the treasurer shall keep a separate account of said fund, and the same shall not be used for any other purpose, and can only be paid out on the order of said court, and the said court shall have authority to employ any hands and teams on the public roads under such regulations and for such prices as they may deem best.

SEC. 3. The commissioners court shall require all male county convicts, not otherwise employed, to labor on the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first and then on the costs, for each day he may labor. The commissioners court shall at each term allow the officers and witnesses such amount of their costs as have been satisfied in full by labor of such convicts, for the arrest and conviction of said convicts as it may deem best, not to exceed one-half of such costs, which amount shall be paid to the officers and witnesses out of the road and bridge fund on the warrant of the county judge; provided, that this shall not be so construed as to relieve any convict from the payment of all costs for which he may be liable under the laws of this State. The commissioners court may grant a reasonable commutation of time for which a convict is committed as a reward for faithful service and good behavior; provided that such commutation shall in no case exceed one-tenth of the whole time.

The commissioners court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and superintendents and guards for the safe and humane keeping of the convicts. The commissioners court may provide such reasonable regulations and punishment as may be necessary to require such convicts to perform good work, and to provide a reward not to exceed ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape.

SEC. 4. Each road commissioner shall have control of all road overseers in his precinct and shall deliver to each of them such teams, tools and machinery necessary in working the roads in the precinct of said overseer, so far as he has been supplied therewith by the commissioners court, taking a receipt therefor, specifying each item and giving its value, which receipt shall be a full answer for the liability of the road commissioner, and shall fix the liability of the road overseer; and the road commissioner, or road overseer who shall have been intrusted with any teams, tools or machinery belonging to the county shall be liable for all damages that may occur to the same while in his possession caused by his negligence or want of due care of same.

It shall be the duty of the road overseer when he has finished work on his road to return to said road commissioner all teams, tools and machinery received from him and take up the receipt given therefor.

SEC. 5. It shall be the duty of each county commissioner when acting as road commissioner to inform himself of the condition of the public roads in his precinct, and shall determine what character of work shall be done on said roads, and shall direct the manner of grading, draining or otherwise improving the same, which directions shall be followed and obeyed by all road overseers of his precinct.

SEC. 6. The road commissioner may require each road overseer in his

precinct to call out the hands in such numbers as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, unless the term of service as now provided by law shall be extended beyond that time; and provided, that all road hands in a particular road precinct shall as far as practicable be worked a uniform time. Each road overseer shall have full control of all road hands in his precinct, and shall see that each hand, when called out, shall perform a good day's work; and if any hand when so called out, shall fail or refuse to do a good day's work, or to work in the manner the overseer may direct, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons. And the road overseer may, when he deems expedient or when so directed to do by the road commissioner of said commissioner's precinct, and at the time of notifying any hand to work upon the road, also summon such hand as may be the owner of a team suitable for road work, to bring such team with him to be used in working upon the public roads during such time as the hand may be notified to work upon the public roads; and after such notice given if such hand shall fail or refuse to bring his team with him as notified to do, he shall be liable to the same penalty as if he had failed to appear in obedience to the summons, provided that any hand for so doing shall be credited with, and allowed two and one-half days upon his time for which he is liable for road duty for each day he may work in connection with and while furnishing such team, and one and one-half days for his team without such hand.

SEC. 7. A person liable for road duty, who shall, on or before the first day of February of any year, pay to the county treasurer the sum of three dollars, shall be exempt from road duty for such year, beginning on the first day of February. The county treasurer shall receive and receipt for all money so paid him and place the same to the credit of the road and bridge fund, and he shall keep a separate account for each precinct from which it is received. The county treasurer shall, on the third day of February, or as soon thereafter as practicable, furnish to each road commissioner a list of all persons in their respective precincts that have paid said sums, as provided in this section.

SEC. 8. When to the commissioners court it may appear expedient to build, repair or maintain any public road in their county, the timber, earth, stone, gravel or other necessary material most convenient therefor may be used, but in such case the owner thereof shall be paid out of the road and bridge fund of such county a fair compensation for the same as may be agreed upon by the owner thereof or his agent and the commissioners court; provided, however, that should said owner or his agent and the said commissioners court fail to agree upon the compensation to be paid therefor, then the county, upon the order of said court, shall proceed to condemn the same in the same manner that a railroad company can condemn lands for right of way, and the same proceedings shall be had as would exist if the proceedings were by a railroad company, except as hereinafter provided.

SEC. 9. The county shall not be required, in proceedings to determine the compensation to be paid for material to build, repair or maintain public roads, in any case to give bond for costs, and the commissioners appointed to condemn such property necessary as aforesaid shall receive for their services two dollars for each and every day that they may be

necessarily engaged in the performance of their duties as such commissioners, to be paid out of the road and bridge fund on the order of the commissioners court, and the compensation awarded by said commissioners for the necessary material, shall be paid to the owner or deposited with the county treasurer to the credit of such owner, and when so paid or deposited the county shall have the right to enter upon and use said material. If the owner of such material or said county is not satisfied with the compensation awarded said owner, he or said county may appeal therefrom as in cases of appeal in proceedings by railroad companies to condemn right of way.

SEC. 10. If any person liable to work upon the public roads, after being legally summoned, shall fail or refuse to attend, either in person or by able and competent substitute, or fail or refuse to furnish his team or tools at the time and place designated by the person summoning him, or to pay to such road overseer the sum of one dollar for each day he may have been notified to work on the public roads, or to pay to such overseer the sum of one dollar and fifty cents for each day he may have been notified to furnish his team for road work, or having attended shall fail or refuse to perform good service or any other duty required of him by law, or the person under whom he may work, or if any one shall fail to comply with any duty required of him as provided by law shall be deemed guilty of a misdemeanor and upon conviction thereof fined in any sum not exceeding twenty-five dollars.

SEC. 11. Each county commissioner as compensation for his services as ex-officio road commissioner of his precinct shall be entitled to such sum as may be prescribed by the commissioners court of his county, not to exceed four dollars per day for the services actually performed; provided that he shall not receive more than fifty dollars per month; which amount shall be paid monthly out of the road and bridge fund, when the account shall have been allowed by the commissioners court, and said court shall not approve said account unless the road commissioner presenting it shall sign an oath that the account is just, true and unpaid, and specifying the number of days' work actually performed by him, nor shall he be entitled to any other or further compensation for supervising public roads except what is allowed by this act.

SEC. 12. The provisions of the foregoing act shall be held and construed to be cumulative of all General Laws of this State on the subject of roads, when not in conflict therewith, but in case of such conflict this act to control, and provided, this act shall not be in operation in any county of this State, unless the commissioners court thereof, in their judgment may deem it advisable, and then only by an order of the commissioners court when all the members are present, made at some regular term thereof, accepting the provisions of this act. Such order shall be entered on the minutes of said court, and shall not be void for want of form, but a substantial compliance with the provisions thereof shall be sufficient.

SEC. 13. The provisions of this act shall not apply to the counties of Fannin and Lamar, Grayson, Collin, Hunt, Dallas and Bell.

SEC. 14. The fact that there is now no sufficient road law in force in this State, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 18, 1901.

Takes effect 90 days after adjournment.

## TEXAS VOLUNTEERS—APPROPRIATION TO PAY, ETC.

S. B. No. 275.]

### CHAPTER CXV.

An Act to amend Chapter CLIX, of the General Laws of Texas, relating to the appropriation of twelve thousand dollars (\$12,000.00) to pay to officers and men of the Texas volunteers, prior to the inmustering into the service of the United States, in the late war with Spain; to pay those who were rejected; to pay for the necessary supplies, subsistence and transportation prior to their being mustered into service; to authorize the Governor to collect from the United States all monies expended under this act, extending the time for filing claims under said act; and making an appropriation for payment of said claims.

*Be it enacted by the Legislature of the State of Texas:*

That Chapter CLIX, of General Laws of Texas, shall read and hereafter be in force as follows:

SECTION 1. That the sum of twelve thousand dollars (\$12,000.00) or so much thereof as is necessary is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the absolutely necessary expenses for the subsistence, supplies and equipments transportation, sheltering and general maintenance of the Texas volunteers during the interval between the enrollment and their muster into the service of the United States during the recent war with Spain; to pay the officers and men of the said Texas volunteers as appeared and remained at the place of muster which were afterwards received into the service of the United States from the period between the date of assembly at the rendezvous and date they were mustered into the United States service. The pay for officers and men shall be the same as allowed officers and men in the regular army, holding the same rank, and for such officers and men as appeared and remained at the place of muster and were afterwards received into the service of the United States from the period between the date of assembly at the rendezvous and the date they were mustered into service of the United States; to pay all officers and men who appeared at the rendezvous for muster and were rejected by the medical examiner or mustering officer at the rates as fixed, as aforesaid from the date of assembly to the date of their rejection; provided, that officers and men who have been paid in full by the United States shall not be entitled to any pay whatever under this act.

SEC. 2. The Governor and Adjutant General shall constitute a board to audit these accounts which, when properly audited, shall be paid by the treasurer, upon a warrant drawn upon him by the Comptroller; provided, the Governor and Adjutant General shall reject any and all claims which in their judgment may not be repaid to the State by the

Treasurer of the United States under an act of Congress, approved March 3, 1899. All claims under this act must be presented before October 1st, 1901, or be forever barred; provided, that the Governor and Adjutant General shall not allow and audit any claims until they have ascertained from the proper authorities at Washington City, that such claims will be paid by the national government; and provided further, that the Governor and Adjutant General shall cease to allow and audit claims when the aggregate amount thereof shall equal the amount of money appropriated therefor by this act.

SEC. 3. The Governor of Texas is hereby authorized to receive from the treasurer of the United States all monies coming to the State under an act of Congress approved March 3rd, entitled "An Act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise, organize and supply and equip the volunteer army of the United States in the existing war with Spain, approved July 8, 1898, and for other purposes.

SEC. 4. The fact that officers and men and the various parties to whom the claims provided for under this act have waited patiently for over two years for their payment and that they should be paid as early as possible, creates an emergency and an imperative public necessity requiring the constitutional rule which requires bills to be read on three several days shall be suspended, and that this bill take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 0; and passed the House of Representatives, no vote given.]

Approved April 18, 1901.

Takes effect 90 days after adjournment.

## BOND INVESTMENT COMPANIES—AUTHORIZING THEM TO EXCHANGE CASH FOR SECURITIES.

H. B. No. 293.]

### CHAPTER CXVI.

An Act to amend Chapter 94, of the Acts of the 25th Legislature, passed at its Regular Session 1897, by adding to said act Sections 5, 6 and 7, providing for the interchange of cash for securities, or securities for cash deposited with the State Treasurer, at the option of such companies as are mentioned in this act, and authorizing the State Treasurer upon warrant of the Comptroller, to return to any such company as is mentioned in said act the cash or securities deposited with the State Treasurer when such company ceases to do business in this State, and shall satisfy the Comptroller that it has no liabilities in this State; and declaring an emergency, and providing that this act shall take effect from and after its passage.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 94, of the Acts of the 25th Legislature be amended by adding thereto Sections 5, 6 and 7 as follows, to wit:

Section 5. At any time, when requested so to do, by any company such as is mentioned in this act, the State Treasurer is hereby authorized to permit such company to interchange cash for the securities, or securi-

ties for the cash, deposited by such company with the State Treasurer, under the provisions of this act, such securities always to be approved by the State Treasurer on the written advice of the Attorney General.

Section 6. Should any such company, such as is mentioned in this act, cease to do business in this State, and shall satisfy the Comptroller and the Attorney General, that it has no liabilities in this State, the Comptroller shall issue his warrant to the State Treasurer, and the State Treasurer is authorized and it is made his duty upon such warrant of the Comptroller, to return to such company, the cash or securities deposited by it under the provisions of this act.

Section 7. That whereas, the State Treasurer now holds cash, or securities deposited with him under the provisions of this act, and there is no law authorizing him to return such cash or securities when such companies cease to do business in this State, and have no liabilities in this State, there is thereby created and exists such an emergency and imperative public necessity as requires that the rule that bills be read on three several days be suspended and this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 90, nays 4; and passed the Senate by two-thirds vote, yeas 23, nays 1.]

Approved April 18, 1901.

Became a law April 18, 1901.

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## JOHNSON GRASS.

H. B. No. 470.]

### CHAPTER CXVII.

An Act to prohibit railroad and railway companies or corporations in this State from permitting Johnson grass or Russian thistles from going to seed upon their right of way, and fixing a penalty.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* It shall hereafter be unlawful for any railroad or railway company or corporation doing business in this State to permit any Johnson grass or Russian thistle to mature or go to seed upon any right of way, owned, leased or controlled by such railroad or railway company or corporation in this State.

SEC. 2. If it shall appear upon the suit of any person owning, leasing or controlling land contiguous to the right of way of any such railroad or railway company, or corporation, that said railroad or railway company, or corporation has permitted any Johnson grass or Russian thistle to mature or go to seed upon their right of way, such person so suing shall recover from such railroad or railway company or corporation, the sum of twenty-five dollars, and any such additional sum as he may have been damaged by reason of such railroad or railway company or corporation permitting Johnson grass or Russian thistle to mature or go to seed upon their right of way. Provided, any owner of land, or any person controlling land contiguous to the right of way of any such railroad or railway

company, who permits any Johnson grass or Russian thistle to mature, or go to seed upon said land, shall have no right to recover from such railroad or railway company as provided for in this act.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by vote, yeas 18, nays 7.]

Approved April 18, 1901.

Takes effect 90 days after adjournment.

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### COUNTY COMMISSIONERS—PROVIDING PAY FOR WHEN ACTING AS ROAD COMMISSIONERS.

H. B. No. 434.]

#### CHAPTER CXVIII.

An Act to amend Section 16, Chapter 80, of the General Laws of Texas, 1899, relating to pay of county commissioners acting as ex-officio road commissioners, and limiting the amount of such compensation.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 16, Chapter 80 of the General Laws of Texas, 1899, relating to the pay of county commissioners acting as ex-officio road commissioners, and limiting the amount of such compensation, be and the same is so amended as to hereafter read as follows:

Section 16. Each county commissioner, when acting as road commissioner and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to \$2.00 per day for the services actually and necessarily performed; provided, that he shall not draw such pay for more than sixty days per quarter; and provided further, that the sum to be paid him as road commissioner shall not exceed \$300.00 per annum, which amount shall be paid out of the road and bridge fund, when the same shall have been approved by the commissioners court; and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the said account is just, due and unpaid, and specifying the number of days of actual service performed by him as road commissioner, and that the same was necessary to be done; and no commissioner shall be entitled to pay as road commissioner while he is performing the duties of county commissioner, or while he is going to or returning from the commissioners court of said county, nor shall he receive any additional pay than that provided for by this section for inspecting the roads in his district, or for other road service.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 4th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and there-



upon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

## SHERIFFS AND CONSTABLES—AMENDMENT TO LAW REGULATING FEES OF.

S. B. No. 206.]

### CHAPTER CXIX.

An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables; providing the amount of such fees, and for the payment of sheriffs' and constables' costs.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897, be amended so as hereafter to read as follows:

Section 4. The sheriffs and constables in this State shall receive the following fees:

1st. For executing each warrant of arrest or capias, or for making arrest without warrant when so authorized by law, the sum of one dollar, and in all cases five cents per mile for each mile actually and necessarily traveled in going to the place of arrest, and for conveying the prisoner or prisoners to jail he shall receive the mileage provided in Subdivision 5, of this act.

2nd. For summoning or attaching each witness fifty (50) cents.

3rd. For summoning a jury in each where a jury is actually sworn in, two (\$2.00) dollars.

4th. For executing death warrant, fifty (\$50.00) dollars.

5th. For removing or conveying prisoner for each mile going and coming, including guards and all other necessary expenses, when traveling by railroad ten (10c) cents; when traveling otherwise than by railroad fourteen (14c) cents; provided, that when more than one prisoner is so conveyed or removed at the same time, in addition to the foregoing he shall only be allowed eight (8c) cents per mile for each additional prisoner; provided, that when an officer goes beyond the limits of this State after a fugitive on requisition of the Governor, he shall receive such compensation only as the Governor shall allow for such services.

6th. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses, five (5c) cents; provided, that in no case shall he be allowed to duplicate his mileage when two or more witnesses are named in the same or different writs in any case, and he shall serve process on them in the same neighborhood or vicinity during the same trip. He shall not charge mileage for serving such witness to and from the county seat, but shall charge only one mileage, and for such additional only, as are actually and necessarily traveled in summoning and attaching each additional. When process is sent by mail to any officer away from the county seat, or returned by mail by such officer, he shall only be allowed to charge mileage for the miles actually traveled by him in executing such process, and the return of the

officer shall show the character of the services and miles actually traveled in accordance with this subdivision and his account shall show the facts.

7th. To officers for service of criminal process, not otherwise provided for, the sum of five (5) cents a mile going and returning shall be allowed; provided, if two or more persons are mentioned in the same or different writs the rule prescribed in Subdivision six shall apply.

8th. For conveying witnesses attached by him to any court, or in habeas corpus proceedings out of his county, or when directed by the judge from any other county to the court where the case is pending, one (\$1.00) dollar and fifty (50) cents per day for each day actually and necessarily consumed in going to and returning from such courts, and his actual and necessary expenses by the nearest practicable route or nearest practicable public conveyance, the amount to be stated by him in an account, which shall show the place where the witness was attached, the distance to the nearest railroad station, and miles actually traveled to each court, if horses or vehicles are used, from whom hired and price paid, and length of time consumed, and amount paid out for feeding horses and to whom. If meals and lodging were provided, from whom, and when, and price paid; provided, that officers shall not be entitled to receive exceeding fifty (50) cents per meal and thirty-five (35) cents per night for lodging for any witness; and, provided, further, that no item or items for expenses shall be allowed unless the officer present with his account to the officer whose duty it is to approve same, a receipt in writing for each item of said account, except as to such items as are furnished by the officer himself; and when meals and lodging are furnished by the officer in person conveying the witnesses, he shall be allowed to receive not exceeding twenty-five (25) cents per meal and twenty-five (25) cents per night for lodging. All of the said receipts shall be filed with the clerk of the court approving such account. Said account shall also show before said officer shall be entitled to compensation for expenses of attached witnesses that before starting with said witnesses to the foreign court he carried each of them before the magistrate nearest the place of serving the attachment, giving his name and residence, and that said witness made oath in writing before said magistrate, certified copies of which shall be attached to the account, that they were unable to give bond for their appearance at court, or refused to give bond after having been advised by said officer of their right to do so. And the officer shall also present to the court the affidavit of the witness to the same effect, or shall show that the witness refused to make the affidavit, and should it appear to the court that the witness was willing and able to give bond, the sheriff shall not be entitled to any compensation for conveying such witness and all accounts for fees in criminal cases by sheriffs, shall be sworn to by the officer before any officer authorized to administer oaths, and shall state that said account is true, just and correct in every particular and be presented to the judge, who shall during such term of court, carefully examine such account and if found to be correct in whole or in part, shall so certify and allow the same for such amount as he may find to be correct; and if allowed by him, in whole or in part, he shall so certify and such account with the affidavit of the sheriff and certificate of the judge, shall be recorded by the clerk of the district court in a book kept by him for that purpose which shall constitute a part of the proceedings or minutes of the court, and the clerk shall certify to the

original account, and shall show that the same has been recorded, and said account shall then become due, and the same shall constitute a voucher on which the Comptroller is authorized to issue a warrant if such account when presented to the Comptroller, shall be accompanied by a certified copy under the hand and seal of the district clerk of the returns made on the process for which such officer is claiming fees corresponding to the amount so claimed in his account. The minutes of the court above provided for, or a certified copy thereof, may be used in evidence against the officer making the affidavit for perjury in case said affidavit shall be wilfully false. When the officer receiving the writ for the attachment of such witness, shall take a bond for the appearance of such witness he shall be entitled to receive from the State one (1.00) dollar for each bond so taken, but he shall be responsible to the court issuing said writ that said bond is in proper form and has been executed by the witness with one or more good or solvent sureties; and said bond shall in no case be less than one hundred (100.00) dollars; provided, the Comptroller may require from such officer a certified copy of all such process before auditing any account; provided, that when no inquest or examining trial has been held at which sufficient evidence was taken upon which to find an indictment, which fact, shall be certified by the grand jury, or when the grand jury shall state to the district judge that an indictment cannot be procured except upon the testimony of non-resident witnesses, the district judge may have attachments issued to other counties for witnesses, not to exceed the number, for which the sheriff may receive pay, as provided for by law, to testify before the grand juries; provided, however, that the judge shall not approve the accounts of any sheriff for more than one witness to any one fact, nor more than three witnesses to any one case pending before the grand jury, in which case the sheriff shall receive the same compensation as he does for conveying attached witnesses before the court. Subdivision 8, of Section 4, of this act, shall apply to the officers affected thereby in all counties in Texas.

9th. For attending a prisoner on habeas corpus for each day, one dollar and sixty cents (\$1.60) together with mileage, as provided in Subdivision 5, when removing such prisoner out of the county under an order issued by a district or appellate judge.

SEC. 2. The fact that under existing law there is no adequate compensation to sheriffs and constables such as to insure the proper enforcement of the laws of this State, therefore an imperative public necessity and emergency exists for the suspension of the constitutional rule requiring bills to be read on three separate days; said rule is therefore suspended, and this act, shall take effect from and after its passage.

J. N. BROWNING,

President of the Senate.

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Speaker House of Representatives.

I hereby certify that the within S. B. No. 206, passed the Senate Mch. 9, 1901 by two-thirds vote; ayes 21, noes 0.

J. P. POOL,

Sec. Senate.

I hereby certify that the within S. B. No. 206, passed the House of Representatives April 6, 1901.

LEE J. ROUNTREE,

Chief Clerk H. of R.

Received in the Executive Office, this 9th day of April A. D. 1901 at 11 o'clock and 15 minutes a. m.

N. A. CRAVENS,  
Private Secretary.

Now comes R. E. Prince Speaker of the House of Representatives of the Twenty-seventh Legislature, after the adjournment of said Legislature, and on this the 15th day of April 1901 at 11.10 o'clock a. m. (said Legislature having adjourned at 12 m. on April 9th, 1901) and hereto appends his signature to the above and foregoing bill nunc pro tunc.

R. E. PRINCE,  
Speaker of the House of Representatives.

I approve the foregoing bill—it being a meritorious measure—though it was not authenticated by the signature of the Speaker of the House of Representatives when presented to me—and I do so in deference to the views of those who, contending that the Journal of the House of Representatives constitutes the exclusive evidence of the fact that the Speaker had signed the bill, believe that such action will expedite a judicial determination of the validity of the proposed law.

This the 18th day of April, 1901.

JOSEPH D. SAYERS,  
Governor.

Received in Department of State, this 18 day of April A. D. 1901, at 3 o'clock, and 20 minutes p. m.

JOHN G. TOD,  
Secretary of State.

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## TRADE MARKS—MAKING IT AN OFFENSE TO FILL BOX OR BOTTLE WITH TRADE MARK STAMPED THEREON.

H. B. No. 303.]

CHAPTER CXX. •

An Act to amend Article 918a, Chapter 14a, Title XVII, of the Penal Code of the State of Texas, regulating the filling of bottles with compounds or defacing in any way the mark or device on bottles, syphons or other containers.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 918a, Chapter 14a, Title XVII of the Penal Code of the State of Texas, shall be amended so as to hereafter read as follows:

Article 918a. It is hereby declared to be unlawful for any person or persons, corporate or otherwise, other than the proprietor, or by his written consent, to fill for the purpose of traffic, or for sale, with any compound whatever, any box, syphon, bottle or other container so marked, recorded in the office of the county clerk, and published as provided in Article 318a of the Revised Civil Statutes; or to deface, erase obliterate, cover up or otherwise remove or cancel any such mark or device.

SEC. 2. Whereas the present law on the statute books of this State is incorrect and confusing, causing daily confusion in the commercial world, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 19, 1901.

Takes effect 90 days after adjournment.

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### MALICIOUS MISCHIEF—AMENDMENT TO LAW OF.

H. B. No. 181.]

CHAPTER CXXI.

An Act to amend Article 787, Chapter 3, Title XVII of the Penal Code of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 787, Chapter 3, Title XVII of the Penal Code of the State of Texas, shall be amended so as to read as follows:

Article 787. If any person shall wilfully or wantonly kill, maim, wound, disfigure, poison or cruelly and unmercifully beat or abuse any horse, ass, mule, cattle, sheep, goat, swine, dog or other domesticated animal, or any domesticated bird, he shall be fined not less than five nor more than one hundred dollars. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 2. The near approach of the adjournment of the Legislature and the fact that the passage of this bill is thus imperiled, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 19, 1901.

Takes effect 90 days after adjournment.

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### DEPUTY MARSHALS—PROVIDING FOR APPOINTMENT OF.

S. B. No. 304.]

CHAPTER CXXII.

An Act to amend Title XVIII, Chapter 3, Article 407, so as to provide for the manner of appointing deputy marshals in cities and towns, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 407, Title XVIII, Chapter 3, of the Revised Statutes of the State of Texas, be so amended as to hereafter read as follows:

19—G. L.

Article 407. The marshal of the city shall be ex-officio chief of police and may appoint one or more deputies; the appointment of which deputies shall only be valid upon the approval of the city council. Said marshal shall, either in person or by deputy attend upon the recorder's or mayor's court while said court is in session and shall promptly and faithfully execute all writs and process issued from said court; he shall have like power with the sheriff of the county to execute the writ of search warrant; he shall be active in quelling riots, disorder and disturbances of the peace, within the limits of said city, and shall take into custody all persons so offending against the peace of the city and shall have authority to take suitable and sufficient bail for the appearance before the recorder's or mayor's court of any person charged with an offense against the ordinances or laws of the city; it shall be his duty to arrest, without warrant, all violators of the public peace and all who obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbances whatever; to prevent a breach of the peace, or preserve quiet and good order, he shall have authority to close any theatre, barroom, ballroom, drinking house, or any other place or building of public resort; and in the prevention and suppression of crime and arrest of offenders, he shall have, possess and execute like power, authority and jurisdiction as the sheriff of the county under the laws of the State. He shall receive a salary or fees of office, or both, to be fixed by the city council. The marshal shall give such bond for the faithful performance of his duties as the city council may require, and he shall perform such other duties and possess such other powers, rights and authority as the city council may by ordinance require and confer not inconsistent with the Constitution and laws of this State.

SEC. 2. Whereas, there is now no law regulating the manner of appointing deputy marshals and providing for their confirmation, and various cities and towns will shortly hold city elections, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that said rule is hereby suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives by two-thirds vote, yeas 100, nays 1.]

Approved April 19, 1901.

Takes effect 90 days after adjournment.

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### STOCK LAW—AMENDMENT TO.

H. B. No. 69.]

CHAPTER CXXIII.

An Act to amend Article 4998, Title CII, Chapter 5, of the Revised Civil Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 4998, Title CII, Chapter 5, of the Revised Civil Statutes

of the State of Texas shall be amended so as to hereafter read as follows, to wit: Should any stock, not permitted to run at large, enter any enclosure of any owner or lessee of land, entitled to the benefit of this chapter, without his or their consent, it shall be lawful for the owner or lessee of said enclosure to impound said stock; and it shall be the duty of the owner or lessee of said land to give notice immediately to the owner of said stock of their impounding and detention, and the owner of said stock shall be entitled to the possession of his or her stock on payment of expenses incurred in impounding and keeping said stock; provided that in such county or subdivision said owners or lessees shall not be required to fence against the stock not permitted to run at large; and any fence in said county or subdivision which is sufficient to keep out ordinary stock permitted to run at large under this chapter shall be deemed a lawful fence. Three barbed wires with posts not more than thirty feet apart, and one or more stays between them, or pickets four feet high and not more than six inches apart, shall constitute a lawful fence. If boards or rails are used, then three boards to be not less than five inches wide and one inch thick, or four rails shall constitute a lawful fence; provided, that all fencing built under the provisions of this act shall be four feet high.

SEC. 2. The near approach of the close of the present session and the necessity for the passage of the bill, creates an emergency and an imperative public necessity authorizing the suspension of the rule requiring bills to be read on three several days and that this act take effect from and after its passage and said rule is hereby suspended and it is enacted that this bill take effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate, where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 19, 1901.

Takes effect 90 days after adjournment.

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## JUDGMENTS—APPEAL TO COUNTY COURT IN CRIMINAL CASES.

S. B. No. 52.]

### CHAPTER CXXIV.

An Act to amend Article 889, Title 10, of the Code of Criminal Procedure of the State of Texas relating to appeals from the judgment of justices of the peace and other inferior courts to the county court and to repeal all laws and parts of laws in conflict therewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 889, Title 10, of the Code of Criminal Procedure of the State of Texas be amended so as hereafter to read as follows:

Article 889. In appeals from the judgments of justices of the peace and other inferior courts to the county court, the defendant shall, if he be in custody, be committed to jail unless he give bond with good and

sufficient security to be approved by the court from whose judgment the appeal is taken, in an amount not less than double the amount of fine and costs adjudged against him payable to the State of Texas; provided said bond shall not in any case be for a less sum than fifty dollars; said bond shall describe the judgment appealed from with sufficient certainty to identify it; shall recite that in said cause the defendant was convicted on complaint, or information, charging him with a misdemeanor, and has appealed to the county court and shall be conditioned that the defendant shall well and truly make his personal appearance before the county court of said county at its next regular term, stating the time and place of holding the same, and there remain from day to day, and term to term and answer in said cause on trial in said court.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved April 19, 1901.

Takes effect 90 days after adjournment.

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## PUBLIC LANDS—SALE AND LEASE OF.

F. C. C. S. for H. B. No. 71.]

### CHAPTER CXXV.

An Act relating to the sale and lease of public free school and asylum lands, and to repeal all laws and parts of laws in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That it shall be the duty of the Commissioner of the General Land Office to notify in writing the county clerk of each county the classification and valuation fixed upon each section of land in his county, and in each county attached to it for judicial purposes, and said Commissioner of the General Land Office shall make forthwith a correct and revised list for each county of all unsold lands therein, and he shall forward the same by registered letter to the county clerk of the county for which said list was made, or to the county clerk of the county to which said county is attached for judicial purposes, and the Commissioner of the General Land Office shall, on application therefor, furnish any citizen a copy of said list for as many counties as applied for, making a reasonable charge for such list or lists, and the Commissioner of the General Land Office shall file the return receipt for said registered letter among the papers of his office and keep the same for future reference; and said Commissioner of the General Land Office shall also notify said clerk of each and every sale as soon as said sales are made. Upon receipt of said list, or any notice required to be given under the provisions of this act, the county clerk receiving the same shall forthwith file and record said list in a well bound book to be kept for that purpose, and thereafter when notified of the sale of any section of land therein



described he shall enter opposite the description of the land so sold the name of the purchaser and the date when sold; and the said list so furnished said clerk, and said book shall be considered public records and open to public inspection, and it is hereby made the duty of the county clerk to exhibit said book and the records to any person who shall apply to him therefor. For the purpose of furnishing the several counties in this State and the clerks thereof with a revised list of all the unsold lands in this State, as provided in this act, the Commissioner of the General Land Office is hereby authorized to employ four expert clerks at a salary not to exceed one hundred dollars per month each; provided, their services shall be discontinued when said list shall have been made, and provided the employment shall not exceed six months. The sum of twenty-four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

In case any county clerk of any county in this State after the receipt of the list of unsold lands or notices concerning the same hereinbefore provided to be sent to him by the Commissioner of the General Land Office shall fail to file, record or exhibit the same as hereinbefore provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

SEC. 2. Any person desiring to purchase school or asylum land shall make a separate application for each tract applied for, addressed to the Commissioner of the General Land Office, describing the lands sought to be purchased, which application shall be accompanied with the affidavit of the applicant in effect that he desires to purchase the land for a home and has in good faith settled thereon, except where otherwise provided by law; and he shall also swear that he is not acting in collusion with others for the purpose of buying land for any other person or corporation, and that no other person or corporation is interested in the purchase thereof. He shall accompany said application with his obligation to the State, duly executed, binding the purchaser to pay to the State on the first day of November of each year thereafter until the whole purchase is paid one-fortieth of the aggregate price with interest at the rate of three per cent. per annum on the whole unpaid purchase money, which interest shall also be payable on the first day of November of each year. Said application, oath and obligation shall be filed in the office of the county clerk of the county in which the land is applied for or a part thereof is situated, or of the county to which said county is attached for judicial purposes; but the clerk shall not file such application until the applicant shall have deposited with him the first payment of one-fortieth of the aggregate purchase money for the particular tract of land. Upon the receipt of said application and first payment, the county clerk shall endorse officially on the application the day and the hour of filing, and record the same in full in a well bound book to be kept by him for that purpose, and shall also note on his record of unsold school lands, the name of the applicant and the date the application is filed and as soon as the application is recorded, the book and page where recorded. The county clerk shall record the application and obligation without delay, recording all applications in the order in which they are filed, and shall forthwith transmit them when recorded to the Commissioner of the Gen-

eral Land Office, and the first payment to the State Treasurer. All applications shall take effect from the time they are filed in the office of the county clerk of the proper county; and for filing and recording each application and noting the name of the applicant and date of application on the record of unsold lands and transmitting it to the Commissioner of the General Land Office and the first payment to the State Treasurer, and all other services in connection therewith, the clerk shall be entitled to a fee of one dollar for each application, to be paid by the applicant. Any failure or refusal of the county clerk to perform any duties required in this section shall be an offense and upon conviction he shall be fined not less than one hundred dollars nor more than five hundred dollars.

SEC. 3. The Commissioner of the General Land Office is hereby prohibited from selling to the same party more than four sections of land, and all applications to purchase land shall also disclose the prior lands purchased by the applicant from the State, if any, since the taking effect of this act, and the residence of the applicant at said time, and if it appear therefrom or from the records in the Land Office that said applicant has already purchased land aggregating four sections since the taking effect of this act, his application shall be rejected; provided, this shall not apply to sales made to a purchaser and afterwards canceled as invalid for some reason other than abandonment and where the purchaser himself was not at fault. Every purchaser shall be required within three years after his purchase to erect permanent and valuable improvements on the land purchase by him, which improvements shall be of the reasonable market value of three hundred dollars. If any purchaser shall fail to reside upon and improve in good faith the land purchased by him as required by law, he shall forfeit said land and all payments made thereon to the State, to the same extent as for the non-payment of interest, and such land shall be again upon the market as if no such sale and forfeiture had occurred, and all forfeitures for non-occupancy shall have the effect of placing the land upon the market without any action whatever on the part of the Commissioner of the General Land Office; and if any purchaser shall be forced to yield possession of the land purchased by him from the State on account of any writ or other judicial process issued from a court of competent jurisdiction, or be compelled to temporarily yield his possession from a well-grounded fear of death or serious bodily injury, such absence shall not work the forfeiture provided by law for non-occupancy; but no writ of injunction shall issue in any case involving the title or possession of lands herein referred to where the applicant has an adequate remedy at law by sequestration or otherwise.

SEC. 4. Any person desiring to lease any portion of the lands belonging to any of the funds mentioned in this act shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular lands he desires to lease; and thereupon the Commissioner, if the lands applied for are subject to lease, and not in immediate demand for actual settlement, shall notify the applicant in writing who first files written application therefor that his proposition to lease is accepted, and thereupon he shall execute to the lessee in the name and by the authority of the State of Texas a lease of said lands for such time as may be agreed upon, not to exceed five years; and when satisfied that the lessee has paid to the Treasurer of the State the rent for one year in advance, he shall deliver said lease to the clerk of the county

court of the county in which the land is situated, or of the county to which said county is attached for judicial purposes, and it shall be the duty of the clerk to record in a well bound book kept in his office, open to public inspection, a memorandum or abstract of said lease, showing the number of the survey or surveys leased, the name of the original grantee, the amount leased, the name of the lessee, the date of the lease and the number of years it has to run; and for entering said memorandum the clerk shall be entitled to a fee of twenty-five cents. Upon payment of said fee the clerk shall deliver the lease to the lessee and no other record of leases hereafter made shall be required except said memorandum. When any of such leases are filed for record the clerk shall make the memorandum or abstract above provided for. All lands which may be leased shall be subject to sale at any time, except where otherwise provided herein. This provision in regard to the sale of leased lands shall apply to leases heretofore made as well as to those hereafter to be made. Any section or part of a section which may be leased shall not be sold except to the lessee, nor shall the lessee be disturbed in his possession thereof during the term of his lease, when he has placed on such section or part of a section improvements to the value of two hundred dollars. In the following named counties lands heretofore leased shall not be subject to sale until said leases expire, except as herein provided, to wit: Kent, Garza, Lynn, Scurry, Borden, Dawson, Mitchell, Martin, Howard, Coke, Sterling, Glasscock, Tom Green, Irion, Schleicher, Menard, Mason, Uvalde, Frio, Kerr and Bandera, provided, that after the expiration of five years from the date this act takes effect all lands now under lease in any of the counties above named shall be subject to sale regardless of the fact as to whether or not the lease on the land has expired.

SEC. 5. The following counties shall constitute the absolute lease district, to wit: El Paso, Jeff Davis, Presidio, Brewster, Reeves, Pecos, Loving, Winkler, Ward, Yoakum, Terry, Gaines, Andrews, Ector, Midland, Upton, Crane, Crockett, Sutton, Val Verde, Edwards, Kinney, Maverick, Zavala, Dimmit, La Salle, McMullen, Webb, Duval, Nueces, Kimble, Zapata, Starr, Hidalgo and Cameron. All tracts of land lying partly inside and partly outside of the absolute lease district shall be considered for the purpose of sale and lease, as being wholly without said district. And lands situated in the absolute lease district which may be leased shall not be sold during the term of the lease, except as provided herein. On the expiration of any lease in the absolute lease district the lands shall remain subject to sale for a period of sixty days, except where there are improvements on a section of the value of two hundred dollars or more, and if it has been previously classified and valued by the Commissioner of the General Land Office, and notice given to the county clerk, it shall not be necessary to give the clerk any further notice in order to put the land on the market, but it shall be considered as already on the market and subject to sale. During said period of sixty days the Commissioner of the General Land Office shall suspend action upon any application to lease said land, and shall award it upon any legal application to purchase made during said time. And that the party purchasing any of said lands, whether inside or outside of the absolute lease district, within the inclosure of another, shall not turn loose any stock within the inclosure until he shall have provided sufficient water for the stock so turned loose, and any violation of this provision shall be an offense, and

upon conviction the party so offending shall be fined one dollar for each head of stock so turned loose, and each thirty days violation shall constitute a separate offense. If no application to purchase has been filed in the proper county clerk's office within sixty days after the expiration of the lease, then the former lessee shall have a preference right over any one else for thirty days thereafter to re-lease such lands or any part thereof, but his lease shall run from the expiration of his old lease. In all cases where the lease is terminated under any of the provisions of this act before the expiration of the term of lease, the lessee shall have a pro rata credit upon his next year's rent or the money refunded to him by the Treasurer as he may elect. On the expiration of his lease or its termination under the provisions of law, or by a final judgment of any court of competent jurisdiction, the lessee shall have the right for the period of sixty days to remove any or all improvements he shall have placed upon the leased premises. No purchaser or other person than the lessee shall be permitted to turn loose within such lessee's inclosure more than one head of horses, mules or cattle, or in lieu thereof, four head of sheep or goats, for every ten acres of land so purchased, owned or controlled by him and uninclosed. Each violation of the provisions of this act which restrict the number of stock which may be turned loose in such inclosure shall be an offense, and the offender, on conviction, shall be punished by fine of one dollar for each head of stock he may so turn loose, and each thirty days' violation of the provisions of this section shall constitute a separate offense. The Commissioner of the General Land Office is hereby prohibited from renewing any lease before its expiration, as shown on the face of the original lease contract; and no lease contract shall be canceled, except in cases where the land has been or may be sold as provided by law, or where the lessee fails to pay the annual rental due the State within sixty days from the date it becomes due. And when the lessee shall fail to pay his annual rental within sixty days after it becomes due, the Commissioner of the General Land Office shall cancel said lease and immediately notify the county clerk of the county in which the land, or a part thereof is situated, of the cancellation and the date when canceled, and the clerk shall note the date of cancellation on his lease record, and the land shall be on the market for sale for sixty days after said cancellation.

SEC. 6. Any lessee shall have sixty days prior right to purchase lands as an actual settler at expiration of his lease; and provided further that if the sections sought to be purchased have each improvements upon them of a permanent nature of the value of five hundred dollars, that then said section or sections need not be situated within the five mile radius as fixed by law, and provided further, that all lands purchased under this act that are not purchased under this preference right herein given lessees shall be situated within the five mile radius now required by law.

SEC. 7. All lands which are now or which may hereafter become detached lands shall be sold to actual settlers only on such terms conditions as are now or which may hereafter be provided by law.

SEC. 8. The Commissioner of the General Land Office shall adopt such regulations for the sale of timber on the timbered lands as may be deemed necessary and judicious. Such timber shall not be sold for less than five dollars per acre cash, except in such cases as the Commissioner may ascertain by definite examination by an approved agent appointed

by him for that purpose, to be paid by the purchaser, to be sparsely timbered or containing timber of but little value, in which case he may sell the timber on such sections or part of sections at its proper value, provided such timber is sold at not less than two dollars per acre. The purchaser shall have five years from the date of his purchase within which to remove the timber therefrom, and in case of failure to do so, such timber shall thereby be forfeited to the State without judicial ascertainment; provided, that all timbered lands from which the timber has been cut and taken off may be placed on the market and sold as agricultural or grazing lands, according to classifications to be made by the Land Commissioner; provided, that upon application of the purchaser or his vendees of any such timber made within five years from the purchase of such timber the Commissioner of the General Land Office shall have said land classified at the expense of the owner of said timber as agricultural or grazing land, and the owner of said timber shall have the right to purchase said land at the valuation fixed by said Commissioner on the same terms and conditions as other lands of like classification are sold under the provisions of this chapter.

SEC. 9. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 10. The importance of the legislation proposed and the crowded condition of the calendar rendering it improbable that this bill can be read on three several days creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage; and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act was substituted for House bill No. 71 and passed the Senate by two-thirds vote, yeas 26, nays 1; and passed the House of Representatives April 9, 1901, vote not given. The House Journal, however, shows that it passed the House by two-thirds vote, yeas 96, nays 7.]

Approved April 19, 1901.

Became a law April 19, 1901.

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## TAXES—EXTENDING TIME OF PAYMENT IN CERTAIN COUNTIES.

H. B. No. 508.]

CHAPTER CXXVI.

An Act to extend the time of payment of the State and county taxes for the years 1900 in the counties of Brazoria, Fort Bend, Wharton, Waller, Galveston, Colorado, Austin, Grimes and Jackson, until February the 1st, 1902, from and after the 1st day of May, 1901.

Whereas, the counties of Brazoria, Fort Bend, Wharton, Waller, Galveston, Colorado, Austin, Grimes and Jackson were, on the 8th day of September, 1900, visited by a storm of unprecedented calamity, whereby many lives were lost, and property of great value destroyed and damaged, and whereby a great number of people were left homeless and without resources, either of property or money, and

Whereas, it is deemed necessary at the present session of the Legislature to enact proper legislation for the permanent relief for the suffering people of the counties above named, but before such legislation can be had, the tax collector of said county will under the law, proceed to the enforced collection of the State and county taxes for the said counties of Brazoria, Fort Bend, Waller, Wharton, Galveston, Colorado, Austin, Grimes and Jackson; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the time for the collection and payment of all county and State taxes in the counties of Brazoria, Fort Bend, Wharton, Waller, Galveston, Colorado, Austin, Grimes and Jackson, for the year 1900, be extended until February 1, 1902, from and after the first day of May, 1901.

SEC. 2. The fact that there is now no law in the State of Texas conferring upon State and county tax collectors any power and discretion extending the time for the enforced collection of taxes, and the fact that the said collectors of taxes for the counties of Brazoria, Fort Bend, Wharton, Waller, Galveston, Colorado, Austin, Grimes and Jackson, will on the first day of May, 1901, proceed to the enforced collection of the taxes of said county for the year 1900, thereby inflicting upon the taxpayers of said county great hardships and irreparable loss and damage, creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, therefore the said constitutional rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 96, nays 5; and was reported to the Senate, where same was amended and passed by two-thirds vote, yeas 25, nays 0; House concurred in Senate amendments by two-thirds vote, yeas 106, nays 0.]

Approved April 19, 1901.

Became a law April 19, 1901.

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### CITY OF GALVESTON—GRANTING AID TO RAISE THE GRADE OF.

S. S. B. No. 152.]

#### CHAPTER CXXVII.

An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflows, by donating and granting to it the State ad valorem, and a part of the occupation and poll taxes, collected on property and from persons in said city, for a period of fifteen years, and to provide a penalty for their misapplication.

Whereas, the city of Galveston was, on the 8th day of September, A. D. 1900, devastated by a storm and calamitous overflow, whereby thousands of lives were lost, and property of the value of many millions of dollars was destroyed, which caused and constitutes a great public calamity; and

Whereas, the agricultural, commercial, manufacturing, mining and stock-raising interests of the State of Texas and of the States and Terri-

ories, a large portion of the commerce of which seeks the high seas through the port of Galveston, require the speedy protection of said city and port and with a view of the State of Texas aiding in protecting said city and the inhabitants thereof, from calamitous overflows; therefore

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That, for a period of two years, commencing with the fiscal year beginning September 1, 1901, there be and hereby are donated and granted, by the State of Texas, to the city of Galveston, the net amounts of money collected from the following State taxes:

1st. The State ad valorem taxes collected upon property and from persons, in the corporate limits of the city of Galveston.

2nd. The State ad valorem taxes collected from railroad companies upon property situated in the county of Galveston, including rolling stock, which shall be ascertained and apportioned as now provided by law.

3rd. Three-fourths of all moneys collected from State occupation taxes received from persons, firms, companies or associations of persons doing business in the city of Galveston.

4th. All State poll taxes collected from persons in the city of Galveston, except that belonging to the public school fund.

SEC. 2. The assessor of taxes for the county of Galveston shall assess all property and persons within the corporate limits of the city of Galveston separately from those in other portions of said county, and shall make and keep the assessment rolls for said city separate and distinct from the assessment rolls for the remainder of Galveston county.

SEC. 3. The Comptroller shall keep separate accounts of all taxes collected within the corporate limits of the city of Galveston, and also from that portion of Galveston county outside of the corporate limits of said city of Galveston.

SEC. 4. At the end of each month the collector of taxes for Galveston county shall, on forms to be furnished by the Comptroller of Public Accounts, make an itemized report, under oath, to said Comptroller, showing each and every item of State ad valorem, occupation and poll taxes collected by him, as provided for in the two foregoing sections, upon property and from persons within the city of Galveston, and accompany the same with a summarized statement showing full disposition of all such State taxes collected; said collector shall present such report, together with the tax receipt stubs, authorized by law to be kept, to the county clerk of Galveston county, who shall, within two days, compare said report with the said stubs, and if the same agree in every particular, as regards names, dates and amounts, he (the clerk) shall certify to its correctness, for which examination and certificate he shall be paid by the commissioners court twenty-five cents for each certificate, and twenty-five cents for each two hundred taxpayers on said report. The said collector shall then, immediately, forward his reports, so certified, to the Comptroller, and shall pay over to the city treasurer of the city of Galveston all monies collected by him, during said month, under the provisions of this act, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipt given to him by the treasurer of the city of Galveston, for such monies, to the Comptroller.

SEC. 5. The treasurer of the corporation of the city of Galveston

shall, at the end of each month, make an itemized report, under oath, to the Comptroller of Public Accounts, showing the amount of money received by him from the collector of taxes for Galveston county, and what disbursements, if any, have been made during said month, of said monies.

SEC. 6. The municipal authorities of the city of Galveston shall, on the first of January of each year, cause to be made an itemized statement, under oath and in duplicate, showing the amount of money received by the city of Galveston, under the provisions of this act, and how the same has been expended. One copy of such statement shall be forwarded to the Governor of this State, and the other to the Comptroller of Public Accounts.

SEC. 7. The monies herein and hereby granted and donated to the city of Galveston are declared to be a trust fund, for the purpose of aiding the city of Galveston in paying the interest and sinking fund upon an issue or issues of bonds, the proceeds of which bonds are to be used exclusively for the elevation and raising of the streets, avenues, alleys, sidewalks, and lots in said city above calamitous overflows, and for securing and protecting such filling. The use or diversion of such moneys for any other purpose whatsoever is hereby prohibited. A violation of the provisions of this section shall constitute a misapplication of public money, and the person or persons so offending shall be punished as provided for in Article 96 of the Penal Code of Texas.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by vote, yeas 14, nays 8; and was reported to the House of Representatives, where same was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved April 19, 1901.

Takes effect 90 days after adjournment.

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## AFFRAYS AND DISTURBANCES OF THE PEACE.

H. B. No. 14.]

### CHAPTER CXXVIII.

An Act to amend Article 336 Chapter 3, Title IX of the Penal Code of the State of Texas, relating to affrays and disturbance of the peace.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 336 of Chapter 3, Title IX of the Penal Code of the State of Texas, relating to affrays and disturbance of the peace, be and the same is hereby amended so as to hereafter read as follows:

Article 336. If any person shall discharge any gun, pistol or firearms of any description, or shall discharge any cannon cracker or torpedo on or across any public square, street or alley in any city, town or village, or in any street, or within one hundred yards of any business house, in this State, he shall be fined in any sum not exceeding one hundred dollars.

SEC. 2. By the term "cannon cracker" is meant any firecracker or other combustible package more than two inches in length, and more than one inch in circumference.



SEC. 3. The fact that there is now no sufficient law on this subject and the near approach of the end of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 9th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

## WATER FOWL—PENALTY FOR SHOOTING OF AT NIGHT.

H. B. No. 328.]

### CHAPTER CXXIX.

An Act to amend Chapter 5, of the Criminal Code of the State of Texas, by adding thereto Article 430b, prohibiting the shooting, hunting or killing of wild ducks, wild geese, or other wild aquatic fowl at night, in Harris, Jefferson, Galveston, Brazoria, Matagorda, Nueces, Aransas, Refugio, Lavaca, San Patricio, Cameron, Hidalgo and Calhoun counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 5, of the Criminal Code of the State of Texas, be so amended as to add thereto Article 430b, to read as follows, to wit:

Article 430b. If any person shall in either of the counties of Harris, Jefferson, Galveston, Brazoria, Matagorda, Nueces, Aransas, Refugio, Lavaca, San Patricio, Cameron, Hidalgo or Calhoun shoot, or shoot at, with a gun of any description, or hunt or kill in any manner, any wild duck, wild goose, or any other kind of wild aquatic fowl at night, that is between sunset and sunrise, he shall be fined not less than five, nor more than twenty dollars.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and was reported to the Senate, where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

## FISH AND GAME LAW—AMENDMENT TO.

S. B. No. 140.]

CHAPTER CXXX.

An Act to amend Articles 529, 529e and 529g, and repealing Article 529l of Chapter 56 of the General Laws of the State of Texas of 1899, and adding Articles 529v and 529w to Chapter 5, Title XIII, of the Revised Penal Code of the State of Texas of 1895; and amending Article 529s of Chapter 98 of the General Laws of the State of Texas of 1897, relating to the offenses for the protection of fish, birds, game, etc., and repealing all laws in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Articles 529, 529e, and 529g of Chapter 56 of the General Laws of the State of Texas of 1899, be amended so as to hereafter read as hereinafter set forth, and that Articles 529v and 529w be added to Chapter 5, Title XIII, of the Revised Penal Code of the State of Texas of 1895, as hereinafter set forth, and that Article 529s of Chapter 98 of the General Laws of the State of Texas of 1897 be amended so as to hereafter read as hereinafter set forth, and that Article 529l of Chapter 56 of the General Laws of the State of Texas of 1899 be repealed.

Article 529. Any person who shall wilfully deface, injure, destroy, or remove any buoy or fence, or parts thereof, used to designate or enclose a private oyster bed in this State, without the consent of the owner thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars (\$10.00) nor more than two hundred and fifty dollars (\$250.00).

Article 529e. It shall be unlawful for any person to bring to market, sell or ship any redfish of more than twelve pounds in weight, or less than one and one-half pounds in weight; any trout of less than one pound in weight; or sheep's-head of less than one pound in weight. Any person offending against this article shall upon conviction, be fined in any sum not less than ten dollars (\$10.00) nor more than two hundred and fifty dollars (\$250.00).

Article 529g. It shall be unlawful for any person, during the breeding season, consisting of the months intervening between April the 1st and September the 1st, to catch any fish, green turtle, or terrapin, by drag net seine, set net or any other device, except the ordinary hook and line and cast net, or to drag any seine or seines or set any net or nets in these waters which are hereby declared to be breeding grounds for fish, green turtle and terrapin to wit:

1. All that portion of water of Cameron and Nueces counties known and marked on the United States coast survey chart as Baffin's Bay and Aqua Dulce.

2. All that portion of water in Nueces county north of the San Antonio and Aransas Pass railroad bridge, and marked on the United States coast survey chart as Nueces Bay.

3. All that portion of water in Aransas and Refugio counties, known and marked on the United States coast survey chart as Capano Bay, Puerto Bay and St. Charles Bay.

4. All that portion of water of Lavaca Bay in Calhoun county north and west of a line starting from the extreme east end of Gallinipper Point and running in a northerly direction along Gallinipper Bar to the

extreme south point of Point Comfort, sometimes called Mitchell's Point.

5. All that portion of water marked on the United States coast survey chart as Hyne's Bay.

6. All that portion of water in Calhoun county north of a line starting from the extreme point of Marsh's Point, and running due east to the east bank of San Antonio Bay, and marked on the United States coast survey chart as Mission Bay and San Antonio Bay.

7. All that portion of water in Calhoun county marked on the United States coast survey chart as Keller's Bay and Carancahua Bay.

8. All that portion of water in Matagorda county known on the United States coast survey chart as Trespalacious Bay; also all that portion of water in said county north of a line extending from Half-moon light house in a northeasterly direction to Dog Island, and all that water lying north of a line extending from Dog Island to the mouth of Caney Creek.

9. All that portion of water in Brazoria county marked on the United States coast survey chart as Bastrop Bay and Oyster Bay.

10. All that portion of water in Galveston and Harris counties north of a line starting from the extreme southern point of Red Bluff on the west bank of Galveston Bay and running in an easterly direction to the first beacon south of Morgan's Point, thence in a northerly direction to the extreme point of Mesquite Point.

11. All that portion of water in Chambers county marked on the United States coast survey chart as Turtle Bay.

12. All that portion of water in Galveston and Harris counties known as Clear Creek and Clear Lake as far up as the G. H. & H. R. R. bridge.

13. All that portion of water in Chambers county starting from the mouth of Trinity river with all adjacent channels, bayous and lakes, up said river to include Lake Charlotte.

14. All that portion of water in San Patricio and Nueces counties lying north of a line drawn from the south end of the S. A. & A. P. R. R. bridge and running in an easterly direction to the extreme southern point of Hatch's peninsular.

15. All that portion of water lying west of a line drawn from the northwest point of Mustang Island at the old revetment (placed there by the United States government) to the first buoy south of the light house and continuing in the same direction to the east shore of Harbor Island, said body of water lies between Mustang and Harbor Islands and is commonly known as the Cove.

16. All that portion of water known as Red Fish Bay in Aransas and Nueces counties, being all that body of water lying west of and between Shell Banks, Bird Island, Hog Island, Blackberry Island and Ransom's Island on the east and the mainland on the west.

17. All that body of water on the west shore of St. Joe Island, beginning at a point on St. Joe Island called Cæsar's Point, thence in a southerly direction along the middle ground to a stake 600 feet due west of Allen's wharf, thence east to the west shore of said island, thence northerly with the meanders of said shore to the place of beginning. Any person offending against this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars

(\$10.00), nor more than two hundred and fifty dollars (\$250.00). Each day shall constitute a separate offense, and in all prosecutions under this article the identification of the boat from which the violation occurred shall be prima facie evidence against the owner, or parties last in charge of such seines or nets or on such boat.

Article 529s. It shall be unlawful for any person to catch any fish, green turtle or terrapin with seine, set net or any other device (except with the ordinary hook and line) for market, in any of the bays or coast waters of this State, or gather any oysters with tongs or otherwise, for market or planting from any of the public reefs or beds in this State, without first having procured a license from the Fish and Oyster Commissioner or his deputy. And if any person or persons shall drag any seine or set any net or nets or other devices who are regularly engaged in the business of catching fish, green turtle or terrapin for market, with seine or set nets or other devices, it shall be prima facie evidence that such person or persons were fishing for market. And if any person or persons shall gather any oysters from any of the public reefs or beds of this State with tongs or otherwise, who are regularly engaged in the business of gathering oysters for market, it shall be prima facie evidence that such person or persons were gathering such oysters for market.

Any person offending against this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10.00), nor more than two hundred and fifty dollars (\$250.00), and each day shall constitute a separate offense.

Article 529v. Any person who is a citizen of the United States wishing to engage in the catching of fish, green turtle or terrapin or gather any oysters for market in any of the coast waters in this State in accordance with the provisions of the fish and oyster law of this State, shall apply to the Fish and Oyster Commissioner or his deputy for registration. He shall furnish said officer on oath, his name, place of residence, the name and kind of boat, vessel or craft to be used or employed by him, and the number of men to be employed; thereupon, the said officer shall register him and his boat and prescribe for his boat a number corresponding with applicant's registered number, which number the applicant shall cause to be plainly marked or placed on each side of the prow of his vessel, boat or craft for which he shall pay the said officer a fee of fifty cents for each vessel, boat or craft registered and the said officer shall furnish him with a certificate of such registration; and any person failing to comply with the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than two hundred and fifty dollars (\$250.00), and each day any person shall fish for green turtle, fish or terrapin or gather any oysters for market in any of the coast waters of this State without having complied with the provisions of this article, shall constitute a separate offense.

Article 529w. If any person shall wilfully oppose or resist any officer in discharging the duties of Fish and Oyster Commissioner or deputy Fish and Oyster Commissioner under the provisions of the fish and oyster laws of this State, he shall, upon conviction, be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500).

SEC. 2. Whereas, the fact that the laws of this State are now inade-

quate for the protection of the subjects of the foregoing act, creates an emergency and an imperative public necessity that this act be passed under a suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is therefore suspended and this act shall take effect from and after its passage, and it is so enacted.

SEC. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 21, nays 0; and passed the House of Representatives by two-thirds vote, yeas 95, nays 0.]

Approved April 23, 1901.

Became a law April 23, 1901.

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## QUARANTINE.

H. B. No. 138.]

### CHAPTER CXXXI.

An Act to amend Article 472, Chapter 6, Title XII, of the Penal Code of the State of Texas, and by adding to said chapter Articles 478a, 478b, 478c, 478d, relating to quarantine; and to repeal all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 472, Chapter 6, Title XII, of the Penal Code of the State of Texas, relating to quarantine, be so amended as to hereafter read as follows, and that Articles 478a, 478b, 478c, and 478d, be added to said chapter.

Article 472. After the legal establishment of any quarantine station on the coast of this State, if any vessel shall land or arrive at such station from any infected port without a bill of health from the proper officer of said port, or with a false bill of health, the master or commanding officer of such vessel shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than five thousand, dollars.

Article 478a. Any person who shall knowingly and wilfully violate any regulation of quarantine established by the Governor, the State Health Officer, or the health officer of any county or city of this State, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty, nor more than one thousand dollars.

Article 478b. If any conductor, or person in charge of any train, ship, steamboat or any other kind of common carriers, shall knowingly and wilfully bring into this State, any person or thing contrary to the quarantine regulations as proclaimed by the Governor, or State Health Officer, such conductor or person so knowingly and wilfully offending, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars.

Article 478c. Any merchant or other person who shall knowingly and wilfully order the shipment, or knowingly and wilfully receive any merchandise whose shipment into the State is prohibited by the Governor's

proclamation, or any person who knowingly and wilfully sells and proceeds to deliver such merchandise or other article as above, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars.

Article 478d. Any physician who shall knowingly conceal any case of contagious disease, or who shall fail to report to the county or city health officer any case of contagious disease of which he may have knowledge, shall, upon conviction, be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars.

SEC. 2. The fact that the people of the State of Texas demand a more efficient quarantine law, creates an emergency and an imperative public necessity requires the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 88, nays 0; and passed the Senate by two-thirds vote, yeas 21, nays 0.]

Approved April 23, 1901.

Became a law April 23, 1901.

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## INDUSTRIAL INSTITUTE AND COLLEGE FOR WHITE GIRLS—ESTABLISHING.

### H. B. No. 35.] CHAPTER CXXXII.

An Act to create and establish an industrial institute and college in the State of Texas for the education of white girls in the arts and sciences.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That an industrial institute and college is hereby established for the education of white girls in the arts and sciences, which shall be known as the "Texas Industrial Institute and College for the Education of White Girls of the State of Texas in the Arts and Sciences," and shall be located at.....

SEC. 2. That the Governor shall nominate and appoint, by and with the consent of the Senate, seven persons to serve as a board of regents, who shall serve as such for two years, unless relieved, as provided for in Section 9 of this act. Said board, as soon as the location of said industrial institute and college is selected, as provided for in Section 9 of this act, shall contract for the erection of such buildings as they may determine upon, or improve any buildings which may be donated to the State, and properly equipping said college; and for the purpose of procuring the best and most economical plans, said board may designate one of its number, or other person, to visit other industrial colleges for girls for the purpose of investigation and furnishing information to the board on that subject, such person to be paid his actual expenses and not exceeding three dollars per day while actually engaged in said investigation and report, to be paid out of the appropriation hereinafter provided for, for the erection of buildings, and support and maintenance of said college.

SEC. 3. In all cases of vacancy, the appointment to fill such vacancy,

and to reappoint to fill the position, shall also, from time to time, be made as provided in the second section; provided, that if the Legislature be not in session, the Governor may fill such vacancy by appointment until the next session of the Legislature, when, if the Senate shall not confirm the appointment, the appointment of some other person shall be made, as provided in Section 2.

SEC. 4. That the board of regents shall have the power incident to their position, and in the same and to the same extent, so far as may be applicable, as is conferred by law on the regents of the University of Texas. Said board of regents shall at their first meeting which shall be called by the Governor, elect a president, a secretary and a treasurer, whose terms of office shall be two years. The president so elected shall convene the board of regents of said industrial institute and college to consider any business connected with the same, whenever he shall deem it expedient to do so; it shall be the duty of the secretary to record in a well bound book all of the proceedings had by said board, and he shall be paid such salary as the board may prescribe; it shall be the duty of the treasurer to receive and disburse all moneys under the direction of the board. He shall be required to give bond in such sum as may be prescribed by the board.

SEC. 5. That the board of regents shall possess all the powers necessary to accomplish and carry out the provisions of this act, the establishment and maintenance of a first-class industrial institute and college for the education of white girls in this State in the arts and sciences, at which such girls may acquire a literary education, together with a knowledge of kindergarten instruction; also a knowledge of telegraphy, stenography and photography; also a knowledge of drawing, painting, designing and engraving, in their industrial application; also a knowledge of general needle-work, including dressmaking; also a knowledge of bookkeeping; also a thorough knowledge of scientific and practical cooking, including a chemical study of food; also a knowledge of practical housekeeping; also a knowledge of trained nursing, caring for the sick; also a knowledge of the care and culture of children; with such other practical industries as from time to time may be suggested by experience, or tend to promote the general object of said institute and college, to wit: fitting and preparing such girls for the practical industries of the age.

SEC. 6. That the board of regents herein mentioned shall appoint a president and professor of the said industrial institute and college, and such other officers as they may think proper, to put the same in successful operation, and to make such rules and regulations for the government of said officers as they may deem advisable. They shall regulate rates of tuition, together with course of discipline necessary to enforce the faithful discharge of the duties of all officers, professors and students. They shall divide the course of instruction into departments, so as to secure a thorough education and the best possible instruction in all of said industrial studies, selecting careful and efficient professors in each department, and shall adopt all such rules, by-laws and regulations as they may deem necessary to carry out all the purposes and objects of said institution.

SEC. 7. The board of regents shall receive such compensation as is now allowed to the board of regents for the University of Texas, to be paid out of the appropriation for this industrial institute and college.

SEC. 8. It is the object of this act that this institution shall be established with as small outlay of public money as possible, to carry out its great importance and utility, and the said board shall prepare a general plan of said industrial institute and college after the location and selection of the site thereof, comprising the necessary departments, dormitories and outhouses; also an estimate of the cost of necessary school furniture, including cost of building and department appliances, and thus shall build and establish in any one year only such houses, dormitories and departments as they may deem for the best interest of said institute and college, and of the greatest practical importance.

SEC. 9. As soon after the passage of this act as practicable, the Governor shall appoint a commission, composed of one person from each congressional district, by and with the advice and consent of the Senate, whose duty it shall be to select a site for said industrial institute and college, and to obtain the title to the same as cheaply as possible, provided, the lasting advantages of the institution shall thereby be conserved. They may, in the selection of such site take into consideration any donation of money, lands or buildings which may be offered to the board; provided, that the site may be as good and permanently advantageous, by the acceptance of such donated lands or buildings; provided, that should said locating board be of the opinion from all the facts and circumstances that it would best subserve the interest of said industrial institute and college for girls, as well as the interest of any established institution of learning; or any institution that may be established before the location is selected for said industrial institute and college, to make the same a part of such other educational institution already established or that may be established, they are fully authorized to do so, and in the event of such action, then the entire management of the combined colleges shall be committed to the board of regents, trustees or directors, to which the girls' industrial college is attached, and the board of regents provided for in Section 2 of this act shall be relieved of any further duty or responsibility in the premises, and their offices shall cease to exist from and after said action combining the two institutions; provided further, that said locating board shall take into consideration in determining the question of establishing said industrial college for girls as a separate institution, or of combining the same with another college, the relative expense to the State, as well as the educational interest of the State generally. They shall also take into consideration the healthfulness, moral and social environments and influences, accessibility, and other facts and circumstances affecting the suitability of the site in question as a location for said industrial institute and college. Said locating board shall receive, out of the amount hereinafter appropriated, all of their necessary traveling and other expenses incurred in the discharge of said duty, and the sum of three dollars per day each for every day they are actually engaged in making said location, not to exceed thirty days. Provided further, that the powers and duties of said locating board provided for herein shall only extend to the locating of said industrial college, and when same shall have been located by said board, that their offices cease to exist, and the entire erection and management be turned over to the board of regents as provided in this act; provided further, that no offer of money for the location of said college shall be accepted by said locating board until the parties making the offer shall make and deliver to said



board a good and sufficient bond, payable to the State of Texas, conditioned for the faithful compliance with said offer of donation, and no offer of land shall be accepted by said locating board until the title to same shall have been approved by the Attorney General of the State of Texas upon abstract furnished by parties offering said land. Provided, that when said locating board, shall have located said college their offices shall cease to exist, and the entire erection of buildings and equipping same, shall be turned over to the board of regents as herein provided.

SEC. 10. That as soon as the building may be made ready for the reception of pupils or students in three or more departments of the industrial studies hereinbefore enumerated, the said regents shall apportion to each county its quota of pupils or students, on the basis of the number of the educatable white girls in the State and several counties, and the several superintendents of education of the several counties shall, after having given notice in some newspaper of the county, and three weeks after such publication, under such regulations as the board of regents may adopt, appoint such number of white girls to such industrial institute and college as such county may be entitled to.

SEC. 11. That the board of regents shall determine and fix the salary of each officer, employe and professor in said industrial institute and college; provided, that the salaries of professors in any one department shall not exceed that which is now fixed for the professors of the Agricultural and Mechanical College.

SEC. 12. That there shall be appropriated out of any money not otherwise appropriated, for the year 1901, for the purpose of erecting, improving or repairing the buildings and equipping the same, as provided in Section 2, of this act, and for the support and maintenance of said institute and college, the sum of twenty-five thousand dollars; and for the year 1902, the sum of twenty-five thousand dollars, or so much of said sums as may be necessary for said purposes.

SEC. 13. The fact that there is now no institution for the industrial training of the white girls of Texas, and that work should begin at once to prepare for the opening of said institution in the fall of the present year, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 23, 1901.

Takes effect 90 days after adjournment.

CALHOUN, VICTORIA, JEFFERSON AND BEE COUNTIES—  
ROAD LAW FOR.

H. B. No. 325.]

## CHAPTER CXXXIII.

An Act to amend Chapter 168 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature, and approved June 5, 1899, entitled a bill to be entitled "An Act to render more effective and efficient the present road law of the State of Texas, in its application and operation in the counties of Calhoun and Victoria, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within the said counties," by adding the counties of Jefferson and Bee thereto.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 168, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-sixth Legislature and approved June 5, 1899, be so amended as to hereafter read as follows: That each member of the commissioners court of Calhoun, Victoria, Jefferson and Bee counties, respectively, shall be, and is hereby created road commissioner of the respective commissioners precincts of the said counties.

SEC. 2. That said commissioners courts of said counties of Calhoun, Victoria, Jefferson and Bee shall have full power and authority, and it shall be their duty to adopt such system for working, laying out, draining and repairing the public roads in said counties as they may deem best, and from time to time such courts may change their plans or system of working.

SEC. 3. That each county commissioner, when acting as road commissioner, and performing the duties imposed upon him by law or the commissioners court, shall be entitled to two dollars per day for the services actually performed; provided, that said sum to be paid shall not exceed the sum of ninety dollars per quarter, which amount shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners court.

SEC. 4. The commissioners court of the counties herein named are authorized and empowered to issue bonds of their said counties, in addition to the bonds heretofore authorized by law to be issued, as follows: For the purpose of constructing and maintaining public roads and highways within said counties; provided, that at no time the bonds so executed shall exceed the limit of the county indebtedness fixed by the Constitution.

SEC. 5. The commissioners courts in the counties herein named, shall have authority to levy a tax, to the limit allowed by the Constitution, for the purpose of creating a sinking fund, and for providing for the payment of the interest on the bonds issued for maintaining the public roads within said counties.

SEC. 6. The provisions of this act shall not be construed as in any way abridging or limiting the authority of the commissioners court in the matter of public roads as now provided by law, but the same is intended and shall be cumulative and in addition to and in aid of the present law, to render the same more efficient in its operation.

SEC. 7. The fact that the commissioners courts of the counties herein named, will soon be in session for the purpose of levying the road tax for the ensuing year, and that there is an urgent need for the issuance of

bonds for the purpose of constructing and maintaining roads in the said counties, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is so suspended, and that this act take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

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#### ROAD SUPERINTENDENTS—EXEMPTING CERTAIN COUNTIES FROM LAW CREATING OFFICE OF.

H. B. No. 376.]

#### CHAPTER CXXXIV.

An Act to amend Article 4785a, Chapter 6, Title XCVII, of the Revised Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 4785a, Chapter 6, Title XCVII, of the Revised Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 4785a. The counties of Grayson, Travis, Houston, Dallas, Limestone, Fayette, Galveston, Cherokee, Wood, Raines, Harrison, Shelby, San Augustine, Sabine, Newton, Jasper, Tyler, Morris, Victoria, Goliad, Refugio, Aransas, Calhoun, Jackson, DeWitt, Hopkins, Comal, Upshur, Blanco, Camp, Gillespie, Lavaca, Parker, Panola, Milam, Lamar, Hill, Smith, Gregg, McLennan, Harris, Washington, Titus, Cass, Franklin, Delta, Angelina, Nacogdoches, Bowie, Montgomery, Walker, Trinity, Red River, Henderson, Van Zandt, Tarrant and Jack counties, are exempted from the provisions of this chapter; provided, that the county commissioners courts of Dallas and Collin counties may accept and adopt the provisions of this act in lieu of the special acts for Dallas, Collin, Grayson and other counties, if in their judgment, its provisions are better suited to Dallas and Collin counties than the said special laws.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 5th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

PERMANENT FREE SCHOOL FUNDS—AUTHORIZING  
INVESTMENT OF.

H. B. No. 169.]

CHAPTER CXXXV.

An Act to amend an act passed at the Regular Session of the Twenty-sixth Legislature, approved April 20, 1899, entitled "An Act to amend Articles 3892, 3893 and 3894, Chapter 6, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, relating to the duties and extending the powers of the Board of Education in the investment of the permanent free school fund, and adding thereto Articles 3891a, and 3894a, giving the State Board of Education an option of ten days on county bonds and on the bonds of incorporated cities; and providing that when a premium is paid for bonds the Board of Education shall refund the same, and to authorize commissioners courts to invest the permanent public free school fund belonging to the counties in this State, as provided in this act for the investment of the State permanent public free school fund.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 3892, 3893 and 3894, of Chapter 6, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, and Articles 3891a and 3894a, as added and amended at the Regular Session of the Twenty-sixth Legislature, approved April 20, 1899, be and the same are hereby amended so as to hereafter read as follows:

Article 3891a. The Board of Education is hereby authorized and empowered to invest the permanent public free school funds of the State in bonds of the United States, the State of Texas and the bonds of the counties of the State; and in the event the Board of Education is unable to invest all of the permanent public free school fund in such securities, they are authorized and empowered, in their discretion, to invest in the bonds of independent school districts of said State.

Article 3892. Hereafter when any county bonds, or the bonds of any incorporated city or independent school district are offered for sale, the party offering or proposing to sell such bonds shall first submit them to the Attorney General of the State, who shall carefully inspect and examine the same in connection with the law under which they were issued, and shall diligently inquire into the facts and circumstances so far as may be necessary to determine the validity thereof, and upon being satisfied that such bonds were issued in conformity with law, and that they are valid and binding obligations upon the county or incorporated city or independent school district by which they purport or appear to have been issued, he shall therefore certify to their validity, and his certificate to that effect, so procured by the party offering such bonds for sale, shall be submitted to the Comptroller of Board of Education, with the bonds so offered for sale; and should the same be purchased as an investment for the permanent public free school fund from the county or incorporated city or independent school district issuing the same, or from any person authorized by said county or incorporated city or independent school district to act for it in the negotiation or sale of such bonds, they shall thereafter be held in every action or proceeding in which their validity is or may be called in question, to be valid and binding obligations of the county or incorporated city or independent school district issuing the same, unless fraudulently issued, or issued in violation of the constitutional limitation, and in every such action a certificate of the Attorney General as aforesaid (which shall be carefully preserved by the

Comptroller), shall be admitted and received as prima facie evidence of the validity of the bonds and coupons thereto, which may been so purchased; and it is further provided, that the commissioners courts of the counties of this State are hereby authorized to invest the permanent school fund belonging to their counties in the manner provided in this act for the investment of the State fund.

Article 3893. Nothing in the preceding article shall be so construed as to relieve the Comptroller or Board of Education from the duty of a careful examination of the bonds offered as an investment for the permanent public free school fund of the State, an investigation of the facts tending to show the validity thereof, and such Board of Education may decline to purchase same unless satisfied that they are a safe and proper investment for such fund, and no bonds shall be purchased as an investment for the permanent public free school fund that do not bear as great a rate of interest as at least three per cent. per annum; and no county bonds or bonds of any incorporated city or independent school district shall be purchased as an investment for the permanent public free school fund when the indebtedness of such county, incorporated city or independent school district, inclusive of the bonds so offered, shall exceed seven per cent. of the assessed value of the real estate in such county or incorporated city or independent school district, and if default be made in the payment of the interest due upon such bonds, the Board of Education may at any time prior to the payment of such overdue interest, elect to treat the principal as als due, and the same shall thereupon, at the option of the Board of Education, become due and payable, and the payment of both such principal and interest shall in all such cases be enforced in such manner as is or may be provided by law, and the right to enforce such collections shall never be barred by any law or limitation whatever.

Article 3894. In all cases where the proceeds of the sales of any bonds have been received by the proper officers of the county or incorporated city or independent school district or by the party acting for it in negotiating the sale thereof, such county or incorporated city or independent school district shall thereafter be estopped from denying the validity of such bonds so issued, and the same shall be held to be valid and binding obligations of the county or incorporated city or independent school district for the amount of bonds sued on and interest thereon, at the rate mentioned therein, deducting such amounts, if any, as have been previously paid thereon.

Article 3894a. Whenever any county or incorporated city or independent school district of this State issues any bonds, and they have been approved by the Attorney General, as is required by the previous articles of this chapter, the county judge of the county or the mayor of the incorporated city or the president of the board of trustees of the independent school district as the case may be, shall notify the State Board of Education of all bids received for such bonds, and the county judge, or mayor, or president of the board of trustees, as the case may be, shall give the State Board of Education an option of ten days in which to purchase such bonds; provided, that the said Board of Education will pay the price offered for such bonds by the best bona fide bidder, and if the Board of Education shall fail to purchase such bonds within the prescribed time, then the county judge, or mayor, or president of the board

of trustees, as the case may be, shall sell the bonds to the best bona fide bidder. In the event the State Board of Education shall pay a premium out of the permanent school fund on any bonds purchased as an investment for the permanent school fund, then the principal of such bonds and an amount of the interest last accruing on such bonds equal to the premium so paid, shall be, and be treated as the principal in such investment, and when such last interest is collected, such sum of the same shall be returned to the permanent school fund. And if they purchase said bonds for less than par, the discount they receive in the purchase of said bonds shall be paid to the available school fund when the bonds are paid off and discharged. The price paid for bonds shall be endorsed thereon at the time the same are purchased; provided, that where said board shall refuse to purchase bonds from the county, city or independent school district, or the parties to whom said bonds were issued, then in no event shall said board purchase said bonds from any subsequent owner or holder of same.

SEC. 2. The fact that there is now over one million dollars belonging to the permanent public free school fund which is uninvested, creates a public necessity and emergency, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate, no vote given; report of Free Conference Committee adopted by the House, no vote given; and adopted by the Senate, no vote given.]

Approved April 25, 1901.

Takes effect 90 days after adjournment.

### LIQUOR DEALERS' BOND.

S. B. No. 222.]

CHAPTER CXXXVI.

An Act to amend Article 5060g, Title CIV, Chapter 1a, of the Revised Civil Statutes of the State of Texas, of 1895, regulating bond of liquor dealers.

*Be it enacted by the Legislature of the State of Texas:*

That Article 5060g, Title CIV, Chapter 1a, of the Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 5060g. Any person, firm or association of persons, desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to be drunk on the premises, shall, before engaging in such sale, be required to enter into bond in the sum of five thousand dollars; provided, however, that any person, firm or corporation of persons dealing exclusively in malt liquors shall be required to give bond only in the sum of one thousand dollars, with at least two good lawful and sufficient sureties, payable to the State of Texas, to be approved by the county judge, conditioned that said person, firm or association of persons so selling spirituous, vinous or malt liquors

or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication; and that such person, firm, or association of persons, or his agent or their agent or employe, will not sell nor permit to be sold in his or their house or place of business, nor give nor permit to be given, any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of twenty-one years, or to a student of any institution of learning, or to any habitual drunkard, or to any person after having been notified in writing, through the sheriff or other peace officer, by the wife, mother, daughter or sister of the person, not to sell to any such person; and that he or they will not permit any person under the age of twenty-one years to enter and remain in such house or place of business; and that he or they will not permit any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business; and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State; and that he or they will not adulterate the liquors sold by them in any manner, by mixing with the same any drug; and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind; which said bond shall be filed in the office of the county clerk of the county where the business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose, for which service the said clerk shall be entitled to a fee of seventy-five cents; which said bond may be sued on at the instance of any person or persons aggrieved by the violation of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for each infraction of the condition of such bond, and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries, brought on said bond as above indicated, if any person, firm or association of persons shall violate any of the conditions of the bond herein required it shall be the duty of the county and district attorneys, or either of them, to institute suit thereupon in the name of the State of Texas for the use and benefit of the county, and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon a breach of any of the conditions thereof; and whenever the first or subsequent bond as required is exhausted by suit at the instance of individuals or for the use of the county a new similar bond shall be given and approved before the dealer shall have the right to further pursue the business of a liquor seller; or in case suit is pending on any such bond, and the county or district attorney shall make and file an affidavit with the clerk of the county court that he believes the bond of the defendant will be exhausted by said suit, the clerk shall at once notify the liquor dealer thereof, and it shall be the duty of the liquor dealer, within twenty days from the time the bond is exhausted, or in other event, within twenty days from the time the notice is given, to give a new bond similar to the first bond given, to be

approved in the same way; and until such new bond is given and approved, when it is required by this chapter, the liquor seller shall not have the right to further pursue the business of selling liquors, and any person, firm or association of persons who shall sell liquors in any quantity, to be drunk on the premises without giving the first bond, or the new bond as required by this chapter, shall be deemed guilty of a misdemeanor and on conviction shall be fined in the same amount provided for in cases where no license has been obtained. An open house in the meaning of this chapter, is one in which no screens or other device is used or placed either inside or outside of such house or place of business for the purpose of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises. A quiet house or place of business, in the meaning of this chapter, is one in which no music, loud or boisterous talking, yelling, or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitute or lewd woman or women are allowed to enter or remain; and it is further provided, that said house must not contain any vulgar or obscene pictures. Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety on said bond and by filing with the county judge an affidavit that such notice has been given, and if within five days after such notice, if he fails to make a new bond, he shall cease to pursue said business until a new bond is given. And any person who shall continue to pursue said business after such affidavit is filed, he shall be guilty of a misdemeanor, and shall be punished as provided in cases where no license has been procured; provided, that where the sale is made in good faith, with the belief that the minor was of age and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; and provided further, that where the sale to an habitual drunkard is made in good faith, with the belief that he was not an habitual drunkard, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided the provisions of this act shall apply to suits by the State or any individual.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by vote, yeas 16, nays 6; and passed the House of Representatives, no vote given.]

Approved April 27, 1901.

Takes effect 90 days after adjournment.



## RESOLUTIONS.

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### TO PROVIDE FOR PRINTING RULES OF SENATE AND HOUSE.

H. C. R. No. 3.] CONCURRENT RESOLUTION.

Be it resolved by the House of Representatives, the Senate concurring, that there be printed for the use of the Senate and House, three hundred copies of the Texas Legislative Manual, which shall contain the rules of the House, the rules of the Senate and the joint rules of the Senate and House, all of which shall be properly indexed; a list of the standing committees of the two houses, the names of the Senators and Representatives, and their respective districts, the names of the officers of the House and Senate, the Constitution of this State and of the United States, and the Committee on Rules of the House, acting with the Senate Committee on Rules, is hereby authorized and instructed to have said copies bound and printed as hereinbefore provided.

Amended by adding the following: "And the representatives of the press now reporting the proceedings of the Legislature."

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved January 31, 1901.

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### TO PROVIDE FOR ELECTION OF UNITED STATES SENATOR.

H. C. R. No. 4.] CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Senate concurring, that a joint committee shall be appointed, consisting of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the President of the Senate, whose duty it shall be to arrange the Hall and arrange for the election of a United States Senator.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing resolution was presented to the Governor of Texas for his approval on the 31st day of January, A. D. 1901, but was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

## RESOLUTIONS UPON THE DEATH OF HON. WEB RIDLING.

H. C. R. No. 5.]

## CONCURRENT RESOLUTION.

Whereas, the grim angel of death has removed from our midst, Hon. Web Ridling, a faithful servant of his people, a distinguished citizen of Texas, and an honorable and beloved representative of his people; therefore, be it

Resolved by the House of Representatives, the Senate concurring, that in the death of Hon. Web Ridling, a worthy and noble citizen has gone, the House has lost an able member and Texas one of her patriotic sons.

Resolved that we extend to the bereaved relatives our heartfelt sympathy in this their hour of grief.

Resolved further, that a committee consisting of nine members, three from the Senate and six from the House, be appointed to take charge of the body and accompany it to the place of final interment.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved January 31, 1901.

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EXTENDING THANKS TO THE REPUBLIC OF MEXICO FOR  
DONATION TO SUFFERERS FROM THE  
SEPTEMBER STORM.

H. C. R. No. 7.]

## CONCURRENT RESOLUTION.

*Be it resolved by the Legislature of the State of Texas:*

1. That the action of the Congress of the Republic of Mexico in appropriating the sum of thirty thousand dollars (\$30,000) from the public funds for the relief of the sufferers on the Texas coast in consequence of the storm of September 8, 1900, is fully appreciated and will be gratefully remembered by the people of Texas.

2. That the Legislature of the State of Texas extends to the President and the Congress of the Republic of Mexico its sincere thanks for this most generous and fraternal action and in return it expresses the hope that prosperity may continue to the Republic and happiness gladden the hearts of its people through all the years to come.

3. That the Governor be and he is hereby requested to transmit a copy of these resolutions to the President of the Mexican Republic.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved January 31, 1901.

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## FOR INVESTIGATION OF CONDITIONS IN STORM DISTRICT.

H. C. R. No. 2.]

## CONCURRENT RESOLUTION.

Whereas, many citizens in the counties of Galveston, Brazoria, Fort Bend, Harris, Waller and other counties lost all of their property by the storm of September 8, 1900; and whereas, said citizens are now in destitute circumstances and are in need of immediate aid; and whereas, it is expected of the Legislature and probably its duty to make the necessary appropriation to relieve the sufferings of said destitute citizens; and whereas, it is the duty of the Legislature to guard against any unnecessary expenditure of public funds;

Now, therefore, be it resolved by the House of Representatives of the State of Texas, the Senate concurring, that there shall be appointed a committee composed of three members of the House, to be appointed by the Speaker thereof, and three Senators to be appointed by the President of the Senate, whose duty it shall be:

1st. To notify the mayors of all cities and towns within said counties having mayors, and one citizen of all other towns and villages in said counties of the time and place or places at which they will meet for the purpose of gathering information in regard to the needs of such destitute people, said meetings to be held at such times and places as determined by said committee, which said meeting shall not be held earlier than fifteen days after said notices have been given to the parties heretofore mentioned.

2nd. To take evidence of the condition of the people reported to be in destitute circumstances, and to compile such data as they can to assist and as to what has been contributed towards the relief of such person, and how same has been distributed, and aid the Legislature in determining what appropriation is necessary to be made, and to whom aid shall be given.

3rd. Said committee is hereby authorized and empowered to hold such meetings or sessions at such places as may be designated by them in said notices for the term of six days unless their duties should be sooner performed.

4th. They shall within thirty days after their appointment report to the House and Senate:

1st. The number and names of those found to be destitute by reason of the storm of September, 1900, and who are in need of State aid, and to set opposite the name of such person the amount thought necessary to relieve said person's sufferings and necessities, and

2nd. To file with such report all testimony and evidence of the destitution of said people, together with all evidence of those applying for aid, whether found by said committee to be destitute or not.

Be it further resolved that the mayors and citizens to be notified as required in the first section of this resolution be and they are hereby requested to gather such information, evidence and data as they can, in regard to the destitute of their respective localities in the city of Galveston and other places at the times named by said committee to the end that said committee may make a full and careful investigation of the matters referred to them by this resolution in the six days allotted to them within which to make such investigation.

Be it further resolved that the Governor be and is hereby requested to furnish the committee appointed under this resolution with any and all data in his possession, which would enable them to make a full and fair investigation as provided herein.

SEC. 5. Nothing in this resolution shall be construed as committing the Legislature to either the policy or the principle of granting aid to the persons named therein out of the State revenue, but as an aid to the Legislature in determining the whole question in the light of the facts as they exist.

The expenses of said committee shall be paid out of the contingent fund of the House and Senate respectively.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved February 1, 1901.

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#### EXTENDING THANKS TO THE AMERICAN RED CROSS SOCIETY.

H. C. R. No. 8.] CONCURRENT RESOLUTION.

*Be it resolved by the Legislature of the State of Texas:*

1. In behalf of the people of Texas the Legislature extends to the American Red Cross Society its most grateful acknowledgments for the relief extended through the society to the sufferers in Texas by the storm of September 8, 1900; and especially does the Legislature thank Miss Clara Barton, the President of the society, for her visit to the State and her personal supervision and direction of relief to those who were in need and in distress.

2. That the Governor be and he is hereby requested to transmit a copy of this resolution to Miss Clara Barton.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved February 1, 1901.

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#### STORM OF SEPTEMBER 8, 1900—EXTENDING THANKS TO THOSE WHO CONTRIBUTED TO RELIEF OF SUFFERERS FROM.

H. C. R. No. 9.] CONCURRENT RESOLUTION.

*Be it resolved by the Legislature of the State of Texas:*

1. That the Legislature of Texas tenders its sincere thanks and most profound acknowledgments to every one wherever residing, who contributed to the relief of those who suffered in the storm that visited the Texas coast on September 8, 1900.

2. That such generous action will be forever borne in grateful remembrance by the people of Texas.

3. That the press everywhere is requested to publish these resolutions.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved February 1, 1901.

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#### HOUSE CONCURRENT RESOLUTION NO. 12.

Granting further powers to the special joint committee appointed under House Concurrent Resolution No. 2, to visit the storm stricken district, and limiting meetings of said committee to twelve days.

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, that the joint committee provided for by House Concurrent Resolution No. 2, in addition to the powers granted and contained in said resolution, shall have and is hereby given the further power and authority:

First, to hold its meetings for a time, if necessary, not to exceed twelve days.

Second, that the chairman or any member of said joint committee be and they are hereby authorized to administer oaths and affirmations and to certify the same whenever necessary so to do in the performance of their duties as defined in said resolution.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved February 18, 1901.

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#### EXPRESSING GRATITUDE TO THOSE DONATING TO SUFFERERS FROM SEPTEMBER STORM.

S. C. R. No. 7.] CONCURRENT RESOLUTION.

Whereas, a large area of the coast section of Texas, including and adjoining the city of Galveston, was on September 8, 1900, visited by a hurricane of unparalleled severity, causing the death of thousands of persons, and the loss of many millions of property; and,

Whereas, a sympathetic world, including all lands and all civilized peoples, made prompt and generous contributions of money, food, clothing, supplies and service, to the end that hunger was appeased, nakedness covered, shelter provided, and comfort afforded, whereby a brave people were sustained in their distress and inspired to efforts of recovery and rehabilitation; therefore, be it

Resolved that the Senate and House of Representatives of the State of Texas recognize and applaud these acts of charity and mercy, and in the name of the State and of the stricken people, hereby express their lasting gratitude.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved February 21, 1901.

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GRANTING HON. WELLS THOMPSON, DISTRICT JUDGE, A  
LEAVE OF ABSENCE.

H. C. R. No. 15.] CONCURRENT RESOLUTION.

Be it resolved by the House of Representatives, the Senate concurring, that Hon. Wells Thompson, judge of the 23rd Judicial District of Texas, be and he is hereby granted leave to absent himself from the State during the months of July and August (sixty days) in the years 1901 and 1902.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved March 5, 1901.

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SUBMITTING CONSTITUTIONAL AMENDMENT TO VOTE OF  
THE PEOPLE.

S. J. R. No. 3.] JOINT RESOLUTION.

Amending Article 6, Section 2, of the Constitution of the State of Texas, requiring all persons subject to a poll tax to have paid a poll tax and to hold a receipt for same before they offer to vote at any election in this State, and fixing the time of payment of said tax.

*Be it resolved by the Legislature of the State of Texas:*

SECTION 1. That Article 6, Section 2 of the Constitution of the State of Texas be amended so as to hereafter read as follows:

SEC. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector and every male person of foreign birth subject to none of the foregoing disqualifications who not less than six months before any election at which he offers to vote, shall have declared his intention to become a citizen of the United States in accordance with the Federal Naturalization Laws, and shall have resided in this State one year next preceding such election and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; provided, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; and provided further, that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before he offers

to vote at any election in this State and hold a receipt showing his poll tax paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election, and this provision of the Constitution shall be self-enacting without the necessity of further legislation.

SEC. 3. The Governor of this State is hereby directed to issue the necessary proclamation submitting this amendment to the qualified voters of Texas at the next general election.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate by two-thirds vote, yeas 23, nays 6, and was reported to the House of Representatives where it was amended and passed by two-thirds vote, yeas 87, nays 15; the Senate concurred in House amendments by two-thirds vote, yeas 26, nays 0.]

[NOTE.—The enrolled bill shows that the foregoing resolution was presented to the Governor of Texas for his approval on the 6th day of March, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

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#### TO PROVIDE FOR PRINTING RULES OF HOUSE AND SENATE.

##### H. C. R. No. 18.] CONCURRENT RESOLUTION.

Be it resolved by the House of Representatives, the Senate concurring, that of the three hundred copies of the Texas Legislative Manual for 1901, heretofore authorized by concurrent resolution for the use of the Senate and House, two hundred copies be bound in flexible Morocco covers at an extra cost of not exceeding twenty-five cents per copy, above the cost of the same book in flexible cloth and that the remaining hundred copies be bound in flexible cloth according to the specifications of the contract with the public printer.

[NOTE.—The enrolled bills shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved March 7, 1901.

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#### ADOPTING A STATE FLOWER.

##### C. S. R. No. 10.] CONCURRENT RESOLUTION.

Whereas, the State of Texas at present has no State flower, and Whereas, the National Society of Colonial Dames of America in Texas have requested of the Legislature that it adopt the lupinus subcarnosus (generally known as buffalo clover or blue bonnet) as the State flower, therefore,

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that the lupinus subcarnosus (generally known as buffalo clover or blue bonnet) be and the same is hereby declared to be the State flower of Texas.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

Approved March 7, 1901.

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AUTHORIZING RECONVEYANCE TO RUFUS HARDY OF  
LAND CONVEYED BY HIM TO THE STATE.

H. C. R. No. 20.] CONCURRENT RESOLUTION.

Whereas, the Twenty-sixth Legislature authorized and empowered the trustees of the State Orphan Home at Corsicana to purchase for said Home, in the name of the State, certain lands contiguous to said Home, 38.6 acres of which belonged to Rufus Hardy, a citizen of Navarro county;

And whereas, by mistake a deed to this 38.6 acres of land was executed by said Rufus Hardy to the State of Texas and placed of record before certain objections raised by the Attorney General of Texas to the title had been cured, and by reason of which objections the State of Texas refused to accept said land, and declined to pay therefor, and never accepted or consented to accept title thereto and therefore acquired no title to said land;

And whereas the execution and record of said deed from Rufus Hardy to the State of Texas creates a cloud upon the title of said 38.6 acres hereafter described, which the State of Texas is unwilling to permit to remain;

Therefore be it resolved by the House of Representatives, the Senate concurring, that the Governor of this State, the Hon. Joseph D. Sayers, or his successor in office, be and he is hereby empowered and instructed for and in the name of the State of Texas, for the purpose of removing said cloud to said title, to execute immediately to said Rufus Hardy a quit-claim deed to the following described tract of land to wit:

All that certain tract or parcel of land situated in the county of Navarro and State of Texas, and being a part of the John W. Williams survey, described as follows to wit:

Beginning at a stake at the southeast corner of a one hundred acre tract known formerly as James Kerr, Sr., tract, thence N. 30 W. 484 vrs. to a stake. Thence S. 60 W. 76 vrs. to a stake; thence N. 30 W. 139.4 vrs. to a stake. Thence S. 60 W. 290.7 vrs. to a stake. Thence S. 30 E. 623.4 vrs. to a rock. Thence N. 60 E. 366.7 vrs. to the place of beginning, containing thirty-eight and 60/100 acres of land more or less.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved March 12, 1901.



**AUTHORIZING THE COMPTROLLER TO REFUSE TO  
DELIVER PENSION WARRANTS TO AGENTS.**

H. C. R. No. 16.]      CONCURRENT RESOLUTION.

Whereas, it is known that so-called claim agents have induced about one thousand Confederate soldiers, or their widows, who are entitled to pensions under the laws of this State, to pay them a fee for collecting their quarterly pensions, and,

Whereas, the originators of the amendments to the Constitution, under which these pensions are granted, never contemplated that the beneficiaries should be forced to pay a fee for collecting the small amount which is granted them, and,

Whereas, the system adopted by the Comptroller of Public Accounts, for the distribution of pensions every quarter, is so simple that the payment of a fee to collect the same is an unnecessary waste of money for which the pensioner receives neither value nor advantage.

And, whereas, the honorable Comptroller of Public Accounts is endeavoring to avoid the payment of these pensions through claim agents, therefore, be it resolved by the House of Representatives, the Senate concurring, that the efforts of the Comptroller in this matter are endorsed, and that he be and is hereby instructed to refuse to deliver any pension or warrant for same to any person other than the original pensioner.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved March 13, 1901.

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**AUTHORIZING SUPERINTENDENT OF PUBLIC GROUNDS TO  
LEASE SOUTH HALF OF BLOCK FIFTY-NINE.**

H. C. R. No. 21.]      CONCURRENT RESOLUTION.

Authorizing the Superintendent of Public Buildings and Grounds to lease the south one-half of Block 59, Division E; bounded on the east by Neches street, and on the west by Trinity street, and on the south by Fifth street; known as Market Square; and other property situated in the city of Austin, Travis county, Texas; and to repeal all laws in conflict therewith.

Be it resolved by the House of Representatives, the Senate concurring: That the Superintendent of Public Buildings and Grounds is hereby authorized and empowered to lease the south half of Block 59, Division E; bounded on the east by Neches street, and on the west by Trinity street, and on the south by Fifth street; known as Market Square, and situated in the city of Austin, Travis county, Texas, to the persons offering the highest amount therefor for a term of ten years, to begin at the expiration of the lease now held by A. Basnet of the city of Austin. Said amount agreed upon to be paid in advance, in quarterly installments of one-fourth the annual rental, and in case of the refusal or failure of said

lessee to pay said rent as above set out, the Superintendent of Public Buildings and Grounds is hereby authorized to take possession of the above described premises, and to declare the lease contract null and void; the rental, when so collected, shall be paid to the State Treasurer, and entered to the credit of the available school fund.

All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The Superintendent of Public Buildings and Grounds is also authorized to lease for the same period and on the best terms obtainable other property in Austin, under his control and belonging to the State, not now held under lease or donation acts, subject to the approval of the Governor.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 15, 1901.

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#### INVITING THE PRESIDENT TO VISIT AUSTIN.

H. C. R. No. 24.] CONCURRENT RESOLUTION.

Be it resolved by the House of Representatives, the Senate concurring, that we extend an invitation to his Excellency, the President, Wm. McKinley, to visit the city of Austin during his contemplated tour of the Western States, and that the Secretary of the Senate and the Chief Clerk of the House of Representatives be instructed to forward a copy of this resolution to his Excellency, the said President McKinley.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved March 20, 1901.

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#### FIXING TIME OF ADJOURNMENT.

S. C. R. No. 11.] SENATE CONCURRENT RESOLUTION.

Be it resolved by the Senate of Texas, the House of Representatives concurring: That the regular session of the Twenty-seventh Legislature of Texas stand adjourned, sine die, April 9, 1901, at 12 o'clock m.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 22nd day of March, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

INVITING THE PRESIDENT OF THE REPUBLIC OF MEXICO  
TO MEET THE PRESIDENT OF THIS REPUBLIC  
AT EL PASO.

H. C. R. No. 26.] HOUSE CONCURRENT RESOLUTION.

Whereas, his Excellency, President William McKinley, will visit Texas on the occasion of his Southern and Western tour of the United States, and whereas it is known that the citizens of El Paso, Texas, are desirous of arranging a meeting at said city between the Presidents of the Republic of Mexico and the United States, and, whereas, the citizens of the State of Texas and of the United States are anxious to encourage and promote the most amicable relations between the sister Republics of the United States of Mexico and the United States of America, and whereas, President McKinley has signified his intention of stopping at said city of El Paso, and whereas said city of El Paso affords a convenient and accessible point where said meeting might occur should his Excellency President Porfirio Diaz of Mexico consider that his health and convenience would permit of such meeting on his part, now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, that it is the earnest wish and desire of the Legislature of the State of Texas, for and on behalf of the people of this State, that his Excellency, Porfirio Diaz, President of the Republic of Mexico, and his Excellency, William McKinley, President of the United States, should meet at said city of El Paso on the occasion of President McKinley's visit to that city.

Resolved, that said meeting would be regarded as expressive of and as emphasizing the cordial relationship which has existed between the said republics under the administration of the said executives. Resolved, that a copy of these resolutions be transmitted by wire to President Porfirio Diaz, and to President William McKinley by the secretaries of the House and Senate.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 1, 1901.

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RELATING TO ELECTION OF UNITED STATES SENATORS.

H. C. R. No. 22.] CONCURRENT RESOLUTION.

Whereas, under the present method of the election of United States Senators by the Legislatures of the several States protracted contests frequently result in no election at all, and in all cases interfering with needed State legislation; and,

Whereas, Oregon, in common with many of the other States, has asked Congress to adopt an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people, and said amendment has passed the House of Representatives on several occasions, but the Senate of the United States has continually refused to adopt said amendments; therefore,

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring:

That the Congress of the United States is hereby asked and urgently requested to call a constitutional convention for proposing amendments to the Constitution of the United States, as provided in Article 5, of the said Constitution of the United States.

Resolved, that we hereby ask and urgently request that the Legislative Assembly of each of the other States in the Union unite with us in asking and urgently requesting the Congress of the United States to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States.

Resolved, that the Secretary of State be and is hereby authorized and directed to send a certified copy of this concurrent resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to the Legislative Assembly of each and every of the other States of the Union.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 17, 1901.

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H. C. R. No. 29.]

CONCURRENT RESOLUTION.

Whereas, the report of the committee appointed to count the cash and bonds in the Treasurer's office shows that there is now on hand in said office counterfeit currency to the amount of \$1,774.00, and

Whereas, request has been made of him by the Federal authorities that said counterfeit money be forwarded to the United States government.

Therefore, be it resolved by the House of Representatives of the State of Texas, the Senate concurring, that the State Treasurer and Comptroller be and they are hereby authorized and directed to forward said counterfeit money to the authorized agent of the United States government with the request that receipt be issued therefor in duplicate for so much as may be condemned, one to be sent to the Comptroller and one to the Treasurer, and that upon the return of said receipts each of said officers be and they are hereby authorized and directed to credit their books with said amount, or so much thereof as may be condemned, and the same be no longer carried upon their books.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

Approved April 17, 1901.

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AUTHORIZING THE STATE PRINTING BOARD TO EX-  
CHANGE CERTAIN BOOKS AND TO PROVIDE FOR  
PRINTING LAWS AND COURT REPORTS.

S. C. R. No. 12.] SENATE CONCURRENT RESOLUTION.

Authorizing and instructing the Printing Board, with the approval of

the Governor to exchange certain, books, pamphlets, journals, reports, statutes and stereotype plates, belonging to the State in charge of the office of Secretary of State for copies of the session laws, general and special of the State of Texas, and the laws of the Republic, bound in sheep; and by said exchange to provide for the publishing the Supreme Reports, the reports of the Civil Court, and the reports of the Criminal Court reports of Texas free to the State and to the public for a price not to exceed \$2.00 a volume for a term of years.

*Be it resolved by the Legislature of the State of Texas:*

SECTION 1. That the Printing Board be and are hereby authorized to exchange the books, pamphlets, journals, reports, statutes bound or unbound, the stereotype or electrotpe plates now stored away in the basement of the capitol and controlled by the Secretary of State, or so many of them as in their judgment is deemed for the best interest of the State for three hundred sets containing three thousand volumes of the session laws, general and special of the State of Texas and of the Republic of Texas, bound in law sheep, and for such exchange to provide for the printing, binding and publication of the Supreme Court Reports, of the several Courts of Civil Appeals, and of the Court of Criminal Appeals of Texas, to be furnished the State free of charge, for the State's use and free distribution as now provided or may be hereafter provided by law, not to exceed three hundred sets, and to provide for the sale of all such reports to the public for a price not exceeding \$2.00 per volume for a term not to exceed twenty years; and to further provide for the issuance of at least two thousand copies of such reports; and further provided, that when additional courts are created by the Legislature that said contractors shall furnish free to the State for such courts copies of all reports published or sold by him.

A set of the session laws, general and special, shall be furnished by the State to each of the organized counties in the State free for the use of the several courts of said counties, the same to remain the property of the State of Texas.

SEC. 2. Any and all contracts under this resolution shall be made with the residents of the State of Texas, and the work shall be done in Texas.

SEC. 3. The stereotype or electrotpe plates, after the expiration of the contract, as contemplated by Section 1 of this act shall be returned to the State in good condition, reasonable wear in usage excepted, and the State shall not part with any copyright to the several reports mentioned in Section 1, or to the State's ownership in and to the stereotype or electrotpe plates therein mentioned.

SEC. 4. The Printing Board shall require a good and sufficient bond in the sum of not less than \$10,000, conditioned upon the faithful performance of this contract, said bond to be renewed as often as the Printing Board shall deem necessary. If any contractor shall fail or refuse to give a new bond when required to do so by the Printing Board then his contract shall be terminated without further notice.

SEC. 5. Provided however that said contract shall be subject to the approval and ratification of the Governor.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given; and was reported to the House of Representatives.]

tives where it was amended and passed, no vote given; and was again reported to the Senate where it was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved April 26, 1901.

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## CERTIFICATE.

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THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, John G. Tod, Secretary of State of the State of Texas, do hereby certify that the foregoing laws and resolutions, passed at the regular session of the Twenty-seventh Legislature, have been carefully examined and compared by me with the original enrolled bills now on file in this department, and are true copies of said original enrolled bills.

I do hereby further certify that the Twenty-seventh Legislature convened in the city of Austin on the eighth day of January, A. D. 1901, and adjourned on the ninth day of April, A. D. 1901.

In testimony whereof, I have hereunto subscribed my name,  
[SEAL.] and have hereto affixed the seal of the State of Texas, in the city of Austin, this eighth day of May, A. D. 1901.

JOHN G. TOD,  
Secretary of State.





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**SPECIAL LAWS**  
**OF**  
**THE STATE OF TEXAS**  
**PASSED AT**  
**THE REGULAR SESSION**  
**OF THE**  
**TWENTY-SEVENTH LEGISLATURE**  
**CONVENED AT THE**  
**CITY OF AUSTIN, JANUARY 8, 1901,**  
**AND**  
**ADJOURNED APRIL 9, 1901.**



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# SPECIAL LAWS OF TEXAS.

TWENTY-SEVENTH LEGISLATURE, 1901.

## INTERNATIONAL & GREAT NORTHERN RAILROAD—AUTHORITY TO PURCHASE CALVERT, WACO & BRAZOS VALLEY RAILROAD COMPANY.

S. B. No. 10.]

### CHAPTER I.

An Act to authorize the International & Great Northern Railroad Company to purchase, own and operate as a part of its line the railroad of the Calvert, Waco & Brazos Valley Railroad Company, together with all the franchises and property incident or appertaining thereto; and to authorize the Calvert, Waco & Brazos Valley Railroad Company to sell its said railroad, together with all the franchises and property incident or appertaining thereto to the International & Great Northern Railroad Company; and to authorize said International & Great Northern Railroad Company to issue and negotiate its bonds, secured or to be secured by mortgage or mortgages, subject to the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said International & Great Northern Railroad Company to construct, own and operate as part of its line the unfinished portion of the railroad of said Calvert, Waco & Brazos Valley Railroad Company, between the termini of the latter company as defined in its charter and amendments thereto, and to construct, own and operate as part of its line extensions and branches thereof under or as authorized in and by the charter of said International & Great Northern Railroad Company, or any amendment thereof made or to be made in pursuance of general laws of the State of Texas; to regulate reports of the property to be purchased from said Calvert, Waco & Brazos Valley Railroad Company and the operation thereof, after the purchase thereof by said International & Great Northern Railroad Company; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the International & Great Northern Railroad Company be, and it is hereby authorized to purchase, own and operate as part of its line of railroad, the railroad of the Calvert, Waco & Brazos Valley Railroad Company, extending or to extend from Spring, a station on the International & Great Northern Railroad, in Harris county, Texas, through the counties of Harris, Montgomery, Waller, Grimes and Brazos to its present southern terminus in the town of Bryan; thence extending along the line of railroad as now constructed in and through the counties of Brazos, Robertson and Falls to its present northern terminus in the town of Marlin; thence extending from said present northern terminus through the counties of Falls, McLennan, Limestone, Hill, Navarro, Ellis, Johnson and Tarrant, to the city of Fort Worth, in Tarrant county, Texas, together with all the franchises and property incident or appertaining thereto, and said Calvert, Waco & Brazos Valley Railroad Company be, and it is hereby authorized to sell said railroad franchises and property to said International & Great Northern Railroad Company;

and said railroad companies are hereby authorized to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale.

SEC. 2. That in case said International & Great Northern Railroad Company shall purchase, and said Calvert, Waco & Brazos Valley Railroad Company shall sell said railroad, together with all the franchises and property incident or appertaining thereto, the said International & Great Northern Railroad Company shall be authorized to issue and negotiate bonds, from time to time, subject to the laws of the State of Texas governing the issuance of bonds by railroad companies, secured or to be secured by mortgage or mortgages upon the railroad property and franchises authorized by this act to be purchased, and upon the railroad that may hereafter be constructed, as authorized by this act, and the property and franchises incident or appertaining thereto, or secured, or to be secured by any of the existing mortgages of the International & Great Northern Railroad Company, as it may elect and determine, the amount of such bonds to be the value of the railroad, franchises and property authorized by this act to be purchased, and of the railroad that may hereafter be constructed as authorized by this act, and the franchises and property incident or appertaining thereto, as such value shall be ascertained by the Railroad Commission of Texas, proceeding under the law in reference to the issuance, approval and registration of bonds by railroad companies in the State of Texas; provided, that before said International & Great Northern Railroad Company shall be authorized to issue the said bonds, secured or to be secured by mortgage or mortgages as above mentioned, the outstanding capital stock and stock subscriptions of said Calvert, Waco & Brazos Valley Railroad Company shall be canceled and extinguished; and the Railroad Commission of Texas shall require satisfactory evidence of such cancellation and extinguishment, before authorizing the issuance of such bonds or approving the same or directing their registration by the Secretary of State.

SEC. 3. That when so much of the bonds mentioned in the second section of this act, as are applicable to and authorized for the purchase of the railroad property and franchises of the Calvert, Waco & Brazos Valley Railroad Company, shall have been issued, approved and registered, the same or the proceeds of the sale thereof shall be used by said International & Great Northern Railroad Company in payment of the purchase money of the railroad, franchises and property incident or appertaining thereto, to be purchased by it from said Calvert, Waco & Brazos Valley Railroad Company, such purchase money to include, among other things, the debts and liabilities of said Calvert, Waco & Brazos Valley Railroad Company, the payment of which said International & Great Northern Railroad Company is required to assume, as in this act hereinafter provided.

SEC. 4. That in case the railroad of said Calvert, Waco & Brazos Valley Railroad Company, together with the franchises and property incident or appertaining thereto, shall be purchased by said International & Great Northern Railroad Company, the latter company shall, and it is hereby authorized and required to assume the payment of all the existing indebtedness and liabilities, including as well indebtedness and liabilities reduced to judgment as those not reduced to judgment, of said Calvert, Waco & Brazos Valley Railroad Company, whether aris-

ing from contract, tort or otherwise; and all the railroad, together with franchises and property incident or appertaining thereto so purchased, shall be subject to sale under execution for the satisfaction of judgment that may have heretofore been or may hereafter be obtained upon such assumed indebtedness and liabilities, or any part thereof, in the same manner and to the same extent as now subject, if said International & Great Northern Railroad Company shall not satisfy said indebtedness, liabilities and judgments to prevent execution sales.

SEC. 5. That said International & Great Northern Railroad Company shall be, and is hereby authorized to construct, own and operate as part of its line the unfinished portion of the railroad of said Calvert, Waco & Brazos Valley Railroad Company between the termini as defined in the charter and amendments to the charter of the latter company, and shall be, and is hereby, authorized to construct, own and operate as part of its line, extensions and branches of said Calvert, Waco & Brazos Valley Railroad, under or as authorized in and by the charter of said International & Great Northern Railroad Company, or any amendment thereof made or which shall be made in pursuance of general laws of the State of Texas.

SEC. 6. That said purchase and sale shall be valid and binding only when approved by the assent of the holders of at least four-fifths of the outstanding capital stock of the said International & Great Northern Railroad Company and of the said Calvert, Waco Brazos Valley Railroad Company given at meetings of the stockholders of said companies and a copy of the resolutions of each company signifying its assent to said purchase and sale, duly certified to by its secretary under its corporate seal, shall be filed by its secretary in the office of the Secretary of State of the State of Texas; and the filing of such certified copies in the office of the Secretary of State shall be deemed and taken as conclusive evidence of the acceptance of the terms, provisions and conditions of this act by the said companies.

SEC. 7. That after the purchase and sale authorized by this act and the filing in the office of the Secretary of State of certified copies showing assent as prescribed in the sixth section of this act, said International & Great Northern Railroad Company shall, without any further corporate action or conveyance, include the railroad, franchises and property incident or appertaining thereto purchased by it from said Calvert, Waco & Brazos Valley Railroad Company, and also the railroad to be constructed by it under the provisions of this act and the franchises and property incident or appertaining thereto and the operation thereof, in the reports required to be made by railroad companies to the Railroad Commission of Texas, or to any other department or officer of the State of Texas; and the said Calvert, Waco & Brazos Valley Railroad Company shall not be required to make any report in respect to the same or any part thereof; that the rights and privileges granted and conferred by the provisions of this act shall be subject to forfeiture, unless the International & Great Northern Railroad Company shall construct and complete the line designated in this act by the first day of March, 1905. This being one of the principal conditions upon which said rights and privileges are herein granted.

SEC. 8. That the courts within this State are required to take judicial notice of this act and of the powers and privileges herein granted in the same manner as if the same were a General Law.

SEC. 9. The fact that the public interest will be subserved by the speedy construction and operation of the additional railroad mileage which will be secured to the people of Texas by the passage of this act, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days shall be suspended, and accordingly such rule is hereby suspended, and this act shall take effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by a two-thirds vote, yeas 22, nays 2; and reported to the House of Representatives where same was amended and passed by two-thirds vote, yeas 95, nays 10; Senate concurred in House amendments by two-thirds vote, yeas 24, nays 0.]

Approved February 12, 1901.

Became a law February 12, 1901.

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CONFEDERATE HOME—AUTHORIZING THE SALE OF ITS  
INTEREST IN CERTAIN LANDS ACQUIRED IN  
WILL OF J. E. ALLEN, DECEASED.

S. B. No. 118.]

CHAPTER II.

An Act to authorize the sale and release of all the interest which the State of Texas, or the Confederate Home situated in the city of Austin, or either of them, acquired under the last will of J. E. Allen, deceased, late of Hunt county, Texas, to certain lands situated in said county of Texas.

Whereas, J. E. Allen, late of Hunt county, Texas, made his last will and testament on the 24th day of August, 1896; which said will was admitted to probate in said county on the 28th day of January, A. D. 1897;—

And, whereas, the third item of said will is as follows: "I give and bequeath to my said wife, Emma, during her natural life, all of my real estate which consists of a home where I now reside, and one lot in College Hill addition to the City of Greenville; with remainder to the Home established in the city of Austin, Travis county, Texas, for ex-Confederate soldiers."

And, whereas, the home of said Allen referred to consists of 160 acres of land in Hunt county, Texas, which together with the lot in College Hill, referred to, were the community property of said Allen and wife, they having no children.

And, whereas, it is uncertain whether any title passed by said will: the same is a cloud on the title of the surviving wife who is now the wife of W. T. Lewalling; and whereas Mrs. Emma Lewalling offers to pay to the State of Texas, for the use of said Confederate Home, the sum of six hundred (\$600.00) dollars, in consideration of the release of all the interest of the State, and the Confederate Home, for the purpose of removing the cloud from the title aforesaid.

And, whereas, said property is described as follows, to-wit: The west half of 320 acres of land being part of a survey patented to Lewis

Moody, assignee of James S. Blythe by patent No. 254, volume 6, dated the 30th day of November, A. D. 1849. Beginning at the S. W. corner of the original survey; thence north 1344 varas to the N. W. corner of same; thence east with the north boundary line 672 varas; thence south 1344 varas to the south line of the original survey; thence west 672 varas to the place of beginning. Second tract being lot No. 3 in block No. 41 of the College Hill addition to the city of Greenville, Texas, situated about one mile northwest from the public square, and being 70 by 130 feet; therefore,

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That all the interest which the State of Texas and the Confederate Home, situated in the city of Austin, or either of them, acquired in and to said lands before described, under and by virtue of the last will and testament of the said J. E. Allen, deceased, shall be and is hereby released to and shall vest in the said Emma Lewalling on payment by her to the president of the board of managers of said Confederate Home, the said sum of six hundred (\$600.00) dollars; and the president of the board of managers of said Confederate Home, and the superintendent thereof are hereby appointed commissioners therefor, and are hereby authorized and empowered to execute a deed conveying said property to said Emma Lewalling, on payment by her of said sum of six hundred (600.00) dollars, as hereinbefore provided; and said deed, when so executed, shall pass all the right, title and interest, whether present or future, of the State of Texas and of the said Confederate Home, in and to the aforesaid lands acquired as aforesaid, by and under said will.

SEC. 2. Said money when so paid shall become the property of the said Confederate Home, and shall be used for the benefit of said Home, under the direction of the board of managers thereof, in such manner and for such purposes as said board may deem proper.

SEC. 3. The fact that the will aforesaid is a cloud on the title aforesaid, and the further fact that the large amount of business on the calendar renders it improbable that this bill can be read and considered on three several days in each house, create an emergency and imperative public necessity requiring that the constitutional rule which requires that bills be read on three several days in each house, shall be suspended and that this bill be placed on its third reading and final passage, and it is so enacted.

SEC. 4. That this act shall take effect, and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 27, nays 0; and passed the House of Representatives by two-thirds vote, yeas 88, nays 0.]

Approved February 18, 1901.

Became a law February 18, 1901.

## SHERMAN—AMENDMENT TO CHARTER.

H. B. No. 44.]

## CHAPTER III.

An Act to amend Sections 91, 93 and 176, of an act entitled "An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government, and the management of its affairs," passed by the 24th Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Sections 91, 93 and 176 of an act entitled "An Act to incorporate the city of Sherman in Grayson county, Texas, and to fix the boundaries thereof and to provide for its government, and the management of its affairs," passed by the Twenty-fourth Legislature, be and the same are hereby amended so that they shall hereafter read as follows:

Section 91. To appropriate so much of the revenue of the city emanating from whatever source, for the purpose of retiring and discharging bonded indebtedness of the city, and for the purpose of improving the public markets and streets, erecting, repairing, additions to and conducting the city hospitals, city halls, school houses, waterworks, electric lights, sewers and all other public improvements, as they may from time to time deem expedient; and in furtherance of these purposes they shall have the power to borrow money upon the credit of the city, and issue coupon bonds of the city therefor in such sum or sums as they may deem expedient, to bear interest not exceeding six per cent. per annum, payable annually or semi-annually, at such place as may be fixed by ordinance; provided that the aggregate amount of bonds issued or to be issued by the city council not to include, but exclusive of bonds in aid and to pay off bonds in aid of Texas and Pacific and Houston and Texas Central Railway Companies, shall at no time exceed five per cent. of the value of the property within said city subject to ad valorem tax.

Section 93. The city council shall have the power at any time to issue bonds for the purpose of paying off and retiring outstanding bonds against the city; and such bonds issued for this purpose shall not be then, while both issues are outstanding construed or considered in determining whether the amount of bonds then issued by the city is in excess of the limit of five per cent. of the value of the property within the city subject to ad valorem tax, as provided for by Section 91 of this charter. Such bonds shall state upon their face the purpose for which they are issued, and the money realized from their sale shall be used for the purpose of paying off and retiring other bonds of the city.

Section 176. The city council shall never extend the time for the payment of taxes, and all taxes due the city shall be payable at the office of the assessor and collector without demand; shall be a lien upon the property until paid; and the city is limited to five years in bringing suits for the collection of all delinquent taxes now due it, and any suit instituted for the purpose of collecting taxes hereafter delinquent, shall be commenced within five years next after such taxes were due, and not afterwards.

SEC. 2. The necessity of issuing bonds for sewer purposes, and the need of the amendments to the charter of the city of Sherman creates an emergency and imperative public necessity that the constitutional



rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 86, nays 0; and passed the Senate by two-thirds vote, yeas 22, nays 0.]

Approved February 28, 1901.

Became a law February 28, 1901.

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## HOUSTON & TEXAS CENTRAL RAILROAD—AUTHORIZED TO PURCHASE AND OPERATE CERTAIN RAIL- ROADS AND THEIR FRANCHISES.

H. B. No. 291.]

### CHAPTER IV.

An Act to authorize the Houston and Texas Central Railroad Company to purchase, own and operate the railroad of the Central Texas and Northwestern Railway Company, with its franchises and appurtenances; the railroad of the Fort Worth and New Orleans Railway Company, with its franchises and appurtenances; the Lancaster Tap Railroad, with its franchises and appurtenances; the railroad of the Austin and Northwestern Railroad Company, with its franchises and appurtenances, upon certain conditions; and the railroad of the Granite Mountain and Marble Falls City Railroad Company, with its franchises and appurtenances; or either or any of such railroads, with its or their franchises and appurtenances; and to authorize the owners of each of said railroads and its or their franchises and appurtenances to sell the same; to authorize said Houston and Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railways, franchises and appurtenances so purchased, and to the amount of the value of the railroad hereafter constructed by it under the provisions of this act as fixed or as the same may be fixed by the Railroad Commission of Texas; and to regulate the reports of such properties and the operations thereof; to provide for the dismissal without prejudice of the pending suit to forfeit the charter of the Austin and Northwestern Railroad Company; and to authorize the Houston and Texas Central Railroad Company, to construct, own, operate and maintain, or to amend its articles of incorporation so as to authorize it to construct, own, operate and maintain a railroad from a connection with the Austin and Northwestern Railroad in Burnet county to the town of Lampasas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Houston and Texas Central Railroad Company be and it is hereby authorized to purchase, own and operate the railroad of the Central Texas and Northwestern Railway Company, extending from Garrett Station to the town of Waxahachie, in Ellis county, with its franchises and appurtenances; the railroad of the Fort Worth and New Orleans Railway Company, extending from the town of Waxahachie, in Ellis county, to the city of Fort Worth, in Tarrant county, with its franchises and appurtenances; and the railroad commonly known as the Lancaster Tap Railroad, extending from Hutchins Station to the town of Lancaster, in Dallas county, with its franchises and appurtenances; or either or any of such railroads, with its or their franchises and appurtenances; and the owners of each of said railroads and its franchises and appurtenances are hereby authorized and empowered to sell the same to said Houston and Texas Central Railroad Company.

SEC. 2. That said Houston and Texas Central Railroad Company be, and it is hereby authorized to purchase, own and operate the railroad of the Austin and Northwestern Railroad Company, extending from the city of Austin, in Travis county to the town of Llano, in Llano county, with its franchises and appurtenances; and the railroad of the Granite Mountain and Marble Falls City Railroad Company, extending from a point of connection with the Austin and Northwestern Railroad in Burnet county to the town of Marble Falls in Burnet county, with its franchises and appurtenances; or either of such railroads with its franchises and appurtenances; and the owners of each of said railroads and its franchises and appurtenances are hereby authorized and empowered to sell the same to said Houston and Texas Central Railroad Company. And said Houston and Texas Central Railroad Company be, and it is hereby authorized to construct, own, operate and maintain or to amend its charter or articles of incorporation so as to authorize it to construct, own, operate and maintain a railroad from a point of connection with the railroad now owned by the said Austin and Northwestern Railroad Company, to the town of Lampasas, in Lampasas county. And if within six months from the time this act takes effect, there shall be donated to said Houston and Texas Central Railroad Company a right of way two hundred feet in width along such new line from the intersection of the same with the boundary line between Burnet and Lampasas counties to the town of Lampasas, and a reasonably adequate right of way through, and station and yard grounds within said town of Lampasas, then said Houston and Texas Central Railroad Company shall construct and put in operation such railroad from such connection with the existing Austin and Northwestern Railroad to said town of Lampasas by the first day of December, 1902; otherwise, the power, right and privilege of purchasing, owning and operating the railroad of the Austin and Northwestern Railroad Company, with its franchises and appurtenances, and the railroad of said Granite Mountain and Marble Falls City Railroad Company, with its franchises and appurtenances, shall be revoked and become null and void. And if said Houston and Texas Central Railroad Company shall within said time construct and put in operation such railroad from such connection with the existing Austin and Northwestern Railroad to the town of Lampasas, the suit heretofore instituted by the Attorney General, in the name and on behalf of the State of Texas, against the Austin and Northwestern Railroad Company, and now pending in the Twenty-sixth Judicial District court, in and for Travis county, being No. 15,455, upon the docket of said court, entitled, "State of Texas vs. Austin and Northwestern Railroad Company," shall thereupon be dismissed at the cost of defendant; provided that such dismissal shall not operate, nor shall anything in this act operate to the prejudice of the State should a similar suit be subsequently instituted; and if said Houston and Texas Central Railroad Company shall fail to construct and put in operation such railroad to said town of Lampasas within the time aforesaid, then upon such failure said suit may be prosecuted with the same effect and be enforced in the same way as if this act had not been passed, if in the judgment of the Governor and the Attorney General the same should be so prosecuted; provided, that said Houston and Texas Central Railroad Company shall establish and maintain division headquarters in the city of Austin; and if the city of Austin, shall, within

sixty days after the taking effect of this act, grant it the right to lay and maintain suitable tracks therefor, said Houston and Texas Central Railroad Company shall by the first day of December, 1902, construct and complete a comfortable and commodious brick passenger station adjacent to Congress avenue, and in said city of Austin.

SEC. 3. That in case said railroads with their franchises and appurtenances, or either or any thereof, shall be purchased by said Houston and Texas Central Railroad Company, the said Houston and Texas Central Railroad Company shall be, and is hereby authorized to issue additional mortgage bonds to the amount of the value of such railroads and franchises and appurtenances so purchased, or of such of them as shall be so purchased, and to the further amount of the value of any railroad or railroads which it may hereafter construct under the provisions of this act, or under amendments of its charter or articles of incorporation, as such value has been or shall be ascertained and determined by the Railroad Commission of Texas, under the provisions of the act of the Legislature of the State of Texas entitled, "An Act to define franchises; to make public the value of railroads; to make effective, Section 6, Article 12, of the Constitution of the State of Texas; to declare the effect of judicial and other sales of railroads; to limit the amount of stocks and bonds and other indebtedness that may be issued by railroad companies, and to regulate the manner of issuing, registering and securing the same; to prescribe penalties for violating the provisions of this act, and to prescribe the duties of the Railroad Commission and the Attorney General in relation thereto," approved April 8, 1893, and any amendments made, or which may be made thereto, but not otherwise. But before said Houston and Texas Central Railroad Company shall be authorized to issue such additional mortgage bonds in respect to any such railway, its franchises and appurtenances so purchased, the existing mortgage bonds and the outstanding capital stock of the company now owning such railway, its franchises and appurtenances shall be reduced by cancellation thereof to an amount below the value of such railway, its franchises and appurtenances, as such value has been or shall be ascertained and determined by the Railroad Commission of Texas, and satisfactory evidence shall be furnished to the Railroad Commission of Texas of such reduction, and said Railroad Commission of Texas shall approve and order the registration of such additional mortgage bonds in respect to each of said railways so purchased for an amount not exceeding the value of such railway, its franchises and appurtenances, so purchased, after deducting from such value the aggregate amount of such existing mortgage bonds and such outstanding capital stock against the line so purchased as shall remain uncanceled at the time such additional mortgage bonds are tendered to said Railroad Commission of Texas for approval; provided, that neither of said railroads with its franchises and appurtenances so purchased, shall be subject to any mortgages or mortgage bonds heretofore executed by the Houston and Texas Central Railroad Company.

SEC. 4. That no sale of the railroad of the Central Texas and Northwestern Railway Company, with its franchises and appurtenances, nor the railroad of the Fort Worth and New Orleans Railway Company, with its franchises and appurtenances, nor of the railroad of the Austin and Northwestern Railroad Company, with its franchises and appurtenances, to said Houston and Texas Central Railroad Company shall be made

unless authorized by a vote, in person or by proxy, of the holders of at least three-fourths of the outstanding capital stock of said companies, or of such of said companies as shall avail of the powers conferred by this act, at a special meeting of such stockholders, to be called for that purpose, nor unless such purchase shall be authorized by a like vote of the holders of the outstanding capital stock of said Houston and Texas Central Railroad Company.

A copy of the minutes of any such stockholders meeting to authorize any such sale and purchase, duly certified to by the chairman of such meeting, and the secretary of the company, under its corporate seal, shall be filed in the office of the Secretary of State of the State of Texas within sixty days after such meeting is held, and when so filed the same shall be recorded by the Secretary of State, and such record shall constitute sufficient evidence of such vote and proceedings, and be deemed and taken as sufficient evidence of the acceptance of the terms, provisions and conditions of this act by such corporation. And any deed or deeds conveying any railroad with its franchises and appurtenances, authorized by this act to be sold, shall be filed in the office of the Secretary of State within sixty days after the execution of the same, and when so filed the same shall be deemed and taken to be sufficient evidence of such sale and conveyance, and of the acceptance of the terms, provisions and conditions of this act by the parties thereto.

SEC. 5. That after any such purchase said Houston and Texas Central Railroad Company shall embrace such properties purchased by it, and the operation thereof in the reports required to be made to the Railroad Commission of Texas, or to any other officer or department of the government of the State by railroad companies and persons operating railroads and the former owners of said properties so sold shall not be required to make reports in respect thereof; provided, that upon the purchase of the railroad of the Fort Worth and New Orleans Railroad Company, with its franchises and appurtenances, by the Houston and Texas Central Railroad Company as authorized by this act, the right of way for that portion of the existing track of the Fort Worth and New Orleans Railway Company, extending from the westerly line of Ferris street to the southeasterly line of Kaufman street, in the town of Waxahachie, and depot grounds adjacent to said track between said points, which right of way and depot grounds were heretofore donated to said Fort Worth and New Orleans Railway Company, or occupied by it without conveyances thereof, shall, without any further act upon the part of either of the companies named in this act, revert to and become vested in the persons donating or paying for, and donating the same to said Fort Worth and New Orleans Railway Company, or to the persons from whom the same was appropriated, in fee simple, according to the respective interests therein, as the same may be equitably determined as between them, and the said railway company shall have no further interest therein; and the depot buildings upon said grounds, together with the rails, ties and other material in said track, may be removed by said railway company, or its assigns, and said track shall be abandoned and discontinued.

SEC. 6. That all and singular the railways and their franchises and appurtenances, so sold, shall be bound and liable upon and after any such sale to the same extent that each is now bound or liable, and no debt or claim against the owners at the time of such sale of any of the

properties, franchises and appurtenances so sold, on said properties, whether arising upon contract or from tort, or otherwise, shall be in any way affected or impaired by such sale; and except as herein otherwise expressly provided, any claim, suit or action of any character whatsoever, existing by or against the owners of either of said properties so sold, at the time of such sale thereof, shall or may be prosecuted after any such sale in the same manner and to the same effect, and enforced in the same way as if no such sale had been effected.

SEC. 7. In any suit or action of any character against any company authorized by this act to sell its railway, with its franchises and appurtenances, upon any cause of action or ground of forfeiture existing at the time of such purchase and sale, a citation may be issued to such company, and be served upon the last president, vice-president or secretary of such company, or upon the president, vice-president, secretary or any local agent, of said Houston and Texas Central Railroad Company, and when so issued and served shall have the same force and effect as if served upon such selling company prior to such sale and purchase; and any judgment for any debt of or claim against any such company may be satisfied by sale of any of the property which said company is authorized by this act to sell to said Houston and Texas Central Railroad Company; provided, said Houston and Texas Central Railroad Company shall not be personally liable for any debts of or claims against either of the companies now owning any of the properties authorized by this act to be sold.

SEC. 8. That the near approach of the close of this session, and the large amount of business remaining to be disposed of at this session, and the public benefit to be derived from the passage of this act, create an imperative public necessity and emergency authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and such rule is hereby suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed House of Representatives, no vote given; and was reported to the Senate, where it was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

Approved March 28, 1901.

Takes effect 90 days after adjournment.

## SAN PATRICIO—REPEALING INCORPORATION OF.

S. B. No. 253.]

### CHAPTER V.

An Act to repeal an act entitled "An Act to incorporate the town of San Patricio, in San Patricio county, Texas," approved February 7, 1853.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Chapter 21, of the General Laws of the Fourth Legislature, entitled "An Act to incorporate the town of San Patricio, in the county of San Patricio," and approved February 7, 1853, be and the same is hereby repealed.

SEC. 2. The fact that the continuance of said incorporation would

impose upon the people and taxpayers thereof unnecessary burdens of taxation, and the fact that the citizens of said town unanimously desire the abolishment of said corporation, and the further fact of the crowded condition of the calendar, and the near approach of the end of this session creates an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read upon three several days in each house, and said constitutional rule is hereby suspended, and that this act be in force and take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate, no vote given; and passed the House of Representatives, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 2nd day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—GEO. T. KEEBLE, Chief Clerk, Acting Secretary of State.]

Takes effect 90 days after adjournment.

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### MARY E. BATCHELOR—GRANTED RELIEF.

S. B: No. 100.]

#### CHAPTER VI.

An Act for the relief of Mary E. Batchelor, widow of James W. Batchelor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Said Mary E. Batchelor being the surviving widow of said James W. Batchelor and continuing unmarried and being in indigent circumstances is entitled to a pension of one hundred and fifty dollars per annum, and the State Treasurer is hereby directed to pay to her the sum of one hundred and fifty dollars per annum during her natural life.

SEC. 2. The near approach of the adjournment of the Legislature and the tardiness with which the State discharges this just obligation, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 23, nays 0; and reported to House of Representatives, where same was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved April 10, 1901.

Takes effect 90 days after adjournment.

## FORT WORTH—GRANTING IT A NEW CHARTER.

H. B. No. 316.]

## CHAPTER VII.

An Act to incorporate the city of Fort Worth and to grant a new charter to said city.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all the inhabitants of the city of Fort Worth as the same is hereinafter limited and bounded be, and they and their successors are hereby organized as a municipal corporation and are created and constituted a body politic and corporate with perpetual succession under the name and style of the "City of Fort Worth," and as such they and their successors shall succeed to, own and possess all the property, whether real, personal or mixed, and all the franchises, rights, privileges, powers and immunities now belonging to, possessed or enjoyed by the present corporation known as the "City of Fort Worth," which present corporation was created and now exists under and by virtue of an act of the Legislature of the State of Texas, approved May 9, 1899; and shall become and be subject to and liable for all bonds, notes and other obligations, and all judgments and other debts for which the present corporation is now in law liable and bound, and the said inhabitants and their said successors, as a corporation and by and under their corporate name aforesaid, shall sue and be sued, implead and be impleaded, complain, intervene and defend in all courts, whether of law or equity, and in all actions and suits of whatsoever kind or character without hinderance or impediment of any kind or character, and under said name may purchase or otherwise acquire and hold and may sell, lease or otherwise alienate or dispose of any real, personal or mixed property either within or without the limits of said city, and may condemn and upon compensation duly paid may thereby acquire such real estate or personal property or both, whether within or without the limits of said city as in judgment of its city council is or may become necessary or requisite for creating and preserving a supply of water for said city or for carrying and conducting the same to consumers, or in any way to facilitate and assist in supplying water to said city and its inhabitants, or for hospital purposes, or to establish and maintain a place for the reception of persons exposed to, or infected with contagious and other diseases or suspected of such infection, or to establish places for the deposit, consumption or destruction of garbage, filth and refuse or in any way to aid in the preservation of the public health, and said inhabitants as a corporation and under the corporate name aforesaid may also condemn and thereby acquire real and personal property within said city for any other lawful public purpose and shall also have, exercise, enjoy and possess such other, further and additional powers, rights, privileges, franchises, and immunities as are granted and conferred in any other part or parts of this act and charter, and may make, have and use a corporate seal, and may change and alter the same and make a new seal at the pleasure of the city council of said city.

SEC. 2. That the limits of said city of Fort Worth, as constituted and created by this act and charter, shall hereafter be as follows, and shall

embrace all the territory included in the following boundary lines, to-wit: Beginning at the northwest corner of the A. Gohenant survey, thence south to the northwest bank of the Clear Fork of the Trinity river; thence up along the said bank of the Clear Fork to the north line of the J. M. C. Lynch survey, thence west 1450 feet; thence south to the said northwest bank of the Clear Fork of the Trinity river; thence up the northwest bank of said Clear Fork to the south line of the George Shields survey; thence east to the southeast corner of the George Shields survey; thence south along the west line of the S. G. Jennings, W. M. Welch, Peter Rouche and J. N. Ellis surveys, to where the south line of the street on the south of Blocks 25, 26, 27 and 28 of Fairmount Addition intersects the said west line of the J. N. Ellis survey; thence east on the said south line of said street and south line of Jessamine street, and continuing east in a line with the south line of Jessamine street to the east line of the M. K. & T. right of way; thence northwardly with the east line of said right of way to the south side of Elmwood street to a point three-fourths of a mile south of the southeast corner of the M. A. Jackson survey; thence north to the southeast corner of the M. A. Jackson survey, continuing north along the east line of the M. A. Jackson and the B. F. Crowley surveys to the northeast corner of the B. F. Crowley survey; thence west along the north line of the B. F. Crowley and R. Briggs survey to a point one-fourth of a mile east of the northwest corner of the R. Briggs survey; thence north 1200 feet; thence west to the west bank of the Trinity river; thence up along said west bank to the north line of the M. Baugh survey; thence west to the point of beginning.

SEC. 3. The said city of Fort Worth is hereby divided into nine (9) wards, being the same number now existing in the present corporation, and the boundaries of each of said wards shall be and remain the same as those existing at the time of the enactment of this law, but it is expressly provided that the city council of said city shall have power by a two-thirds vote of all the aldermen elected to change the boundaries of the present wards, so that each ward will contain as nearly the same number of the male inhabitants as, in the judgment of the city council, is practicable, but no such change shall be made unless it be done not less than six months before the next ensuing election for aldermen.

SEC. 4. The municipal government of said city is hereby vested in a city council, which shall be composed of the mayor and one (1) alderman from each ward. A majority of the aldermen elected shall constitute a quorum of the council for the transaction of business, except at called meetings, at which the presence of not less than two-thirds of the aldermen elected shall be required, and no taxes shall be imposed nor shall any bonds of said city be ordered issued unless at a regular meeting with at least two-thirds of the aldermen of the city present, and a two-thirds vote of all the aldermen elected shall be required in the levy of all taxes and in ordering the issuance of the bonds of the city.

SEC. 5. The other officers of said city shall be a treasurer, an assessor and collector of taxes, a city secretary, a city attorney, a marshal, a recorder, a city engineer, a street commissioner, a chief of fire department, a superintendent of waterworks, an inspector of waterworks, a secretary of waterworks, a city auditor, and a city physician, who shall also be the city health officer, and such other officers and agents as the city council may from time to time establish by ordinance.



SEC. 6. The mayor, and one alderman from each ward of the city of Fort Worth and the city assessor and collector of taxes, and the city marshal, shall constitute the only officers of said city to be elected by vote of the people, and they and each of them shall hold their respective offices for two years, and until the election and qualification of their successors. The mayor, the city assessor and collector of taxes, and the city marshal shall be elected by the qualified voters of said city, as herein-after provided, and the city secretary, the city attorney, the recorder, the city engineer, the street commissioner, the chief of fire department, the superintendent of waterworks, the secretary of waterworks, the inspector of waterworks, the city auditor, the city physician and all such officers and agents as the city council may establish, shall be appointed by the vote of the majority of the aldermen composing the city council, and in case of a tie the mayor shall be entitled to cast the deciding vote.

SEC. 7. The city council shall, at its first regular meeting in April, 1901, and every two years thereafter, elect a city secretary, a city attorney, a recorder, a city engineer, a street commissioner, a chief of the fire department, a superintendent and an inspector of waterworks, and a secretary of waterworks, and a city auditor, and a city physician and health officer, each of whom shall hold office for two years, and until his successor shall have been elected and qualified. Should said city council fail to elect all or any of said officers at its first regular meeting in April of any year, then it shall do so at the next regular meeting, or as soon thereafter as practicable. The city council shall also elect such other officers and agents as it may from time to time constitute, and shall provide by ordinance for the time and manner of their election, but the term of office of such officers and agents shall in no case exceed two years.

SEC. 8. An election shall be held in each of the wards of said city on the first Tuesday in April, 1901, and every two years thereafter, and at each such election there shall be elected by the qualified voters of the entire city, a city assessor and collector of taxes, and a city marshal, each of whom shall hold his office for two years and until his successor is elected and qualified. An election shall also be held in each of the wards of said city on the first Tuesday in April, 1902, and every two years thereafter, and at each such election there shall be elected by the qualified voters of the entire city a mayor of said city, and by the qualified voters of each separate ward an alderman for such ward, and said mayor and each of said aldermen shall hold office for two years and until his successor is elected and qualified. Each of the several officers of the heretofore existing corporation, unless theretofore removed, shall continue to hold his office under this charter until his successor shall have been elected or appointed as herein provided, and until such successor shall have qualified according to law.

SEC. 9. All elections by popular vote shall be ordered by the city council, and when any such election shall have been ordered the council shall cause 20 days notice thereof to be given in one or more newspapers published in said city, which notice shall state the officer or officers to be elected, the places where said election shall be held and the names of the various presiding officers of election. Should the city council for any reason fail to order an election or to give notice thereof the mayor shall make such orders or give such notice.

SEC. 10. At the first regular meeting in March each year, or earlier, the council shall designate some suitable place in each ward at which the ensuing election for that year shall be held; and if the council shall neglect or refuse to designate such places or any of them, or if from any cause the places so designated or any of them cannot be procured for the purpose hereinbefore specified, then the mayor at any time before the next ensuing election shall designate such places, and the mayor shall appoint a suitable qualified voter of each ward to serve as presiding officer of election in the ward in which he is entitled to vote. As soon as practicable after the appointment of presiding officers, the city secretary shall give notice of his appointment to each person so appointed. In case a person appointed presiding officer of election fails to attend on the day of election or fails or refuses to act, or in case no presiding officer has been appointed, it shall be lawful for the voters of the ward present on that day at the ward voting place to select from among their number a presiding officer to act as such at that election, and the person so selected shall have the same power and authority as if he had been appointed by the mayor or city council; but in such case the managers of the election shall in their returns certify that the presiding officer was appointed from and by the voters at the ward voting place on the day of such election, because there was no regular presiding officer in attendance, or because the regular presiding officer failed or refused to act, as the case may be.

SEC. 11. The presiding officer of each ward shall on or before the day of election, select from among the qualified voters of the ward three judges and four clerks, and such selections shall be made as nearly as practicable from different political parties, if this be demanded, and if there be present a sufficient number of the party making the demand, who are willing and competent to serve in said position, and said judges and clerks together with the presiding officers shall be the managers of election. Managers of election shall receive two dollars per day for each day of twelve hours, or a fraction thereof, while engaged in their official duties.

SEC. 12. At all elections held under this law the ballots of each ward shall be taken separately and the polls shall be opened for one day only from eight o'clock a. m. to six o'clock p. m. Should the polls not be opened promptly at eight o'clock, the time shall be extended beyond the hour of six o'clock, so as to secure the full period of ten hours for voting purposes. The managers of election shall count and cast up the votes for each candidate in accordance with the State laws, and shall sign and certify to the return in duplicate, one of which shall be sealed up and retained by the presiding officer for use by the city council or the courts of the country in any legal investigation of the election; the other copy shall be sealed up with the name of the presiding officer written across the seal, and shall be by one of the managers of the election delivered in open session to the council the next day or as soon thereafter as practicable. The officer so delivering the same shall make oath before the mayor or one of the aldermen that the returns delivered by him have not been altered or opened since being signed and sealed as aforesaid. As received the city council shall immediately open the returns from each ward and estimate the results, causing the same to be recorded in tabular form in the minutes of the council. Persons receiving the high-

est number of votes for the various offices shall be declared elected to the offices for which they were respectively voted. The newly elected officers may enter on their duties on the fifth day after election, Sundays excepted; provided, that any officer-elect shall qualify at any time within thirty days; otherwise the office shall be deemed vacant. It shall be the duty of the city secretary to notify all persons elected or appointed to office of their election or appointment and the aldermen-elect shall convene at the usual place of meeting for the city council on the fifth day, Sundays excepted, after their election or as soon thereafter as practicable and shall be installed under the provisions of this law.

SEC. 13. Every person entitled to vote for members of the Legislature of this State, who shall have resided within the limits of the city for six months and in the ward in which he offers to vote for thirty days next preceding any city election, shall be entitled to vote at such election.

SEC. 14. The managers of the election shall be sworn well and truly to conduct the election without partiality or prejudice and agreeable to law, according to the best of their skill and understanding. The oath shall be administered by the presiding officer to the judges and clerks, and one of the judges, after being sworn, shall administer the same oath to the presiding officer.

SEC. 15. Whenever it happens in any election that there is a tie vote between two or more candidates for the same office, the council shall declare such election void as between such candidates only, and immediately order a new election for the office, giving not less than five days notice thereof. In the event of the failure of the council to meet to examine the election returns and declare the result, the mayor shall discharge that duty.

SEC. 16. No person shall be eligible to any office of said city, whether elected by the voters or by the council, unless he possesses the qualifications of an elector and shall have resided in the limits of the city for twelve months next preceding the election at which he is a candidate, and no person shall be eligible to the office of alderman unless in addition to the above prescribed qualifications, he shall have been a resident of the ward in which he is a candidate for at least one year next before such election, and a permanent removal from said ward during the term for which he is elected shall vacate his office.

SEC. 17. In case there is a vacancy in the office of mayor or of alderman, or of any other elective officer, by refusal to accept, or failure to qualify, or by death, resignation or otherwise, the city council shall order a new election to fill such vacancy, and all special elections shall be conducted as herein provided for in annual elections. Provided, that in all such special elections to fill vacancies, ten days notice shall be deemed sufficient. If there is a vacancy in any other office in the city other than mayor and alderman, or other elective officer, or if any person elected to any such other office shall refuse to accept, or fail to qualify, then in any such case the city council shall fill such vacancy, a majority of the council being necessary for the purpose.

SEC. 18. The manner of holding and voting at elections to be held under this act, and the powers and duties of the managers thereof, and the counting of votes, shall be according to the General Laws of this State in force at the time, as far as the same shall be applicable, and not in conflict with this act; provided, that the city council shall have

full power and authority to pass such laws as it shall deem expedient in respect to conducting elections and voting thereat, as well as to making returns thereof and prescribing the mode and manner of determining contested elections, not in conflict with the laws of this State.

SEC. 19. Every person elected by the voters of said city or by the city council to fill any office under this act, shall, before entering on the duties of his office, take and subscribe the official oath provided by the Constitution of this State, and the city council may by ordinance require such additional oath as it may deem proper.

SEC. 20. The mayor of the city shall be the chief executive officer, of the corporation and shall be vigilant and active at all times, causing the laws and ordinances of said city to be faithfully executed and enforced, and see that all contracts are fully performed in which the city is interested, and shall cause all limitations and requirements in all grants and franchises conferred by the city council to be strictly complied with, and shall prevent the violation thereof. He shall inspect the conduct of all subordinate officers in the government thereof, and as far as it may be in his power shall cause all negligence, carelessness and positive violation of duty to be prosecuted and punished, and if in his discretion he considers it necessary, he may suspend any official or employe until the next meeting of the city council. He shall have power, when in his judgment the good of the city may require it, to summon meetings of the city council, and he shall, from time to time, communicate to that body such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament and good government of said city; he shall when present preside over all meetings of the city council and in case of a tie shall cast the deciding vote, but he shall not vote in any other case.

SEC. 21. Whenever the mayor shall deem it necessary in order to enforce the laws of the city or to avoid danger or protect life or property in case of riot or other outbreak or any public calamity or disturbance, or to prevent any contagious or infectious diseases, or when he has reason to fear any serious violation of law and order, or any other danger to said city or the inhabitants thereof, he shall summon into service as a special police force all or as many of the citizens as in his discretion he may believe to be necessary and proper, and such summons may be by proclamation or order addressed to the citizens generally or those of any ward or subdivision thereof, or the summons may be by personal notification. Such special police force while in service, shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same powers while on duty as the regular police force of the city; and any person so summoned and failing to obey, or appearing and failing to perform any duty that may be required by the mayor or by this act, shall be fined in any sum not exceeding one hundred dollars. But it is expressly provided that said city shall not become or be liable or held for any damages or injuries to persons or property arising from the failure of the mayor or any police or other officer or employe to enforce the provisions of this charter or any law of this State, or any ordinance of said city or from his or their negligence.

SEC. 22. The mayor shall have like power with a justice of the peace to administer oaths of office. He shall have authority in case of riots

or unlawful assembly, or with a view to preserve the peace and good order in said city, to order and enforce the closing of any theater, ball-room, grog shop, tippling house, barroom or other place of resort, or public room or building, and may order the arrest of any person violating in his presence the laws of the State or any ordinance of the city; and he shall perform such other duties and possess and exercise such other powers as may be prescribed and conferred by the city council.

SEC. 23. All ordinances, resolutions, motions, orders and contracts adopted by the city council shall, before they take effect, be placed in the office of the city secretary, and if the mayor approves thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto. Upon the return of any ordinance, resolution, motion, order or contract by the mayor, the vote by which the same was passed shall be reconsidered; and if at a reconsideration two-thirds of the whole number of aldermen elected agree to pass the same, and their votes are so entered upon the journal of proceedings, it shall be in force from that time or after publication, or the time expressed for taking effect, as the case may be; and if the mayor shall neglect to approve or object to any proceedings of the city council for a longer period than three days after the same shall have been placed in the secretary's office as aforesaid, the same shall go into effect from that time, or after publication, or the time expressed for taking effect, as the case may be.

SEC. 24. The mayor of said city shall receive a salary, payable in monthly installments, of the sum of \$2000.00 per annum.

SEC. 25. In case of absence from the city of the mayor thereof, or if the mayor is from any cause unable or fails or refuses to perform the duties of said office, then the president of the city council shall become and be for the time being vested with all the powers, rights and privileges, and shall perform and discharge all the duties and obligations in this charter conferred upon the mayor, and if both the mayor and president of the council are absent from the city or unable, or fail, or refuse to discharge the duties of mayor of said city, then and in such case the city council shall appoint one of its members to act as mayor for the time being, and the said president of the city council or other acting member as mayor under the provisions of this section, shall receive the compensation herein provided to be paid to such mayor for the time or times during which such president or acting mayor may be so acting.

SEC. 26. There is hereby created and established a court to be held in the city of Fort Worth, Tarrant county, Texas, which shall be known as the "corporation court of the city of Fort Worth," and it shall have exclusive jurisdiction within the territorial limits of said city of all criminal cases arising under the ordinances of said city, and shall also have jurisdiction concurrently with the justices of the peace of the precinct or precincts in which said city is or may be situated of all criminal cases arising under the penal laws of the State of Texas where the offense was committed within the territorial limits of said city and the punishment is by fine and the maximum of such fine under the laws of said State may not exceed \$200.00. Said court shall have no civil jurisdiction except for the forfeiture and collection of bonds given in cases or proceedings pending therein. All fines collected upon judgments rendered

in said court shall be paid into the city treasury for the use and benefit of said city.

SEC. 27. There shall be no terms of said court, and said court shall be deemed open from nine o'clock a. m. until six o'clock p. m. of every day, Sundays alone being excepted, and all applicable rules relating to process, pleading, practice and procedure now established for the county courts of Texas shall apply in said corporation court in Fort Worth, except that all criminal proceedings and prosecutions in said last named court shall be commenced by complaint, shall run in the name of the State of Texas, and shall conclude "against the peace and dignity of the State," or if any offense is charged under an ordinance of said city, the complaint may also conclude "against the ordinance of said city in such cases made and provided." Every complaint filed in said court shall be verified by affidavit, and such complaint may be sworn to before the recorder, the city secretary, the city attorney or any assistant city attorney, and for the purpose aforesaid each and every one of such officers are hereby empowered to administer oaths, or such complaints may be sworn to before any officer authorized by law to administer oaths. Except as herein otherwise provided, the rules and regulations now in force regulating complaints in criminal cases in justice courts shall apply to and govern complaints in the Fort Worth corporation court. Said last named court shall have a seal, upon which there shall be engraved a five pointed star and the words "corporation court in Fort Worth, Texas," and the impress of said seal shall be affixed to all process except subpoenas issued out of said court, and shall be used to authenticate the official acts of the secretary as clerk of said court and of the recorder as judge thereof, and the said city secretary is hereby constituted the clerk of said court, and it shall be his duty to keep a record and minutes showing all the orders and proceedings of said court, and to collect and receive all fines, costs and fees imposed in said court, and to pay the same over to the city treasurer.

SEC. 28. All prosecutions and proceedings of a criminal nature in said court, whether under a city ordinance or under a State penal statute, and all process issued out of said court shall run in the name of the State of Texas, and all such process shall be executed and served by the marshal, deputy marshal or any policeman of said city under the rules and regulations as are provided by law for the service by sheriffs and constables of process issued by county courts, in so far as such rules and regulations are applicable to process from the corporation court in Fort Worth, and there shall be taxed against and collected of each defendant in the case of his conviction in said court the same costs and fees for the recorder and marshal and for the city attorney as are now provided by law for the justices and constables and for the county attorney, respectively, in criminal cases in justices' courts, and for the city secretary, acting as clerk, there shall be taxed and collected the same fees and costs as are now allowed by law to the county clerk for like services in criminal cases in the county courts, and said fees and costs shall be paid into the city treasury and disposed of as the city council shall direct. The judgments of said court shall be enforced by imprisonment of any defendant or defendants adjudged guilty therein, until the fine, costs and fees assessed against said defendant shall have been paid, or until the same shall have been satisfied, at such rate per day during imprisonment at

hard labor as the city council of said city may provide, and any such judgment may also be enforced by execution against the property of the defendant or defendants adjudged guilty therein.

SEC. 29. Said court shall be presided over by a judge, who shall be known as the "recorder," and said recorder shall be elected by the city council of the city of Fort Worth, and unless sooner removed shall hold office for two years and until his successor has been elected and qualified. The recorder shall reside within and be a qualified voter of said city, and he shall also be a person learned in law, and he shall have full power and authority to enforce all process of said court and punish witnesses for failing to obey subpoenas and to compel their attendance by process or attachment and to punish all contempts of his court by fine or imprisonment or both, and he may require of any person or persons arrested a bond or bonds for good behavior binding such person or persons to keep the peace, or he may require of such person or persons a bond or bonds for his or their appearance before said court, and no such bond shall be taken except it be executed by a person in whose behalf it is made, with two or more good and sufficient sureties, to be approved by said recorder, and all bonds taken in proceedings in said court shall be payable to the city of Fort Worth. Said city secretary shall also have power and authority to administer official oaths and affirmations and to give certificates thereof, and either the said recorder or the city secretary acting as ex-officio clerk of said court, shall have full power and authority to issue subpoenas, writs of *capias*, warrants of arrest, search warrants, executions and all other process known to the law which justice courts are by law authorized to issue in similar cases. If for any cause the recorder shall temporarily fail to act, then and in such case the mayor, or in his absence, inability or disqualification, the acting mayor of said city is hereby authorized to appoint some qualified person who shall act in the place and stead of said recorder, and who shall have all the powers and discharge all the duties of said office and shall receive the compensation therefor accruing while he is so acting.

SEC. 30. The recorder shall receive a salary of twelve hundred dollars per annum, payable in monthly installments.

SEC. 31. All jurors in said court shall be residents of, and qualified voters within, the city of Fort Worth, and shall be otherwise possessed of all qualifications required of jurors in county courts, and they shall be summoned and selected in such manner as the city council of said city has provided or at any time hereafter may provide by ordinance.

SEC. 32. Appeals to the county court of Tarrant county from conviction in said corporation court in Fort Worth, shall lie in all cases, and such appeals shall be governed by the same rules of practice and procedure as are now provided by law in cases of appeals from a justice court to the said county court, in so far as said rules are applicable.

SEC. 32a. The foregoing seven sections are hereby declared to be cumulative of an act passed by the Twenty-sixth Legislature, entitled "An Act to establish and create in each of the cities, towns and villages of this State a State court, to be known as the corporation court in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts."

SEC. 33. The marshal of the city shall be ex-officio chief of police and shall have power to appoint one deputy, who shall be paid by the

city, and he may appoint additional deputies to be paid by himself, and shall appoint all policemen of said city, and all deputies and policemen shall be subject to the confirmation of the city council, and he shall in person or by deputy attend upon the corporation court while in session and upon the meetings of the city council, and he shall promptly and faithfully execute all writs and process issued from said court. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quieting riots, disorders and disturbances of the peace within the limits of the city, and he shall take into custody all persons offending against the ordinances of the city or committing an offense within the jurisdiction of the corporation court in Fort Worth, and shall have authority to take suitable and sufficient bail for the appearance before said court of any person charged with an offense within its cognizance and jurisdiction. It shall be his duty to arrest without warrant all persons violating the public peace, and all who shall obstruct or interfere with him in the execution of the duties of his office, and all persons guilty of any disorderly or unlawful act or offense whether in his presence or upon the complaint of any citizen. To prevent a breach of the peace or preserve quiet and good order he shall have authority to close any theater, barroom, drinking house or any other place or building of public resort, and in the prosecution and suppression of crime and arrest of offenders he shall have, possess and exercise like power, authority and jurisdiction with the sheriff of the county under the laws of the State. He shall have power to suspend the policemen, subject to ratification by the council. He shall receive a salary of two thousand dollars per annum, payable in monthly installments. He shall give a bond, payable to the city, with good security, conditioned for the faithful performance of his duties in accordance with this charter and ordinances of the city, in such amount as the city council may require, said bond to be approved by the city council, and he shall perform such other duties and possess such other powers, rights, and authority as the council may by ordinance require or confer.

SEC. 33a. Policemen of the city of Fort Worth may make arrest without warrant, and without warrant may arrest any offender or person or persons charged with an offense in any of the following cases, to wit: When any felony or disturbance, affray, or breach of peace, or violation of any city ordinance is committed in the presence or within the view of the policeman making the arrest; when a felony or breach of the peace has been committed within the presence or within the view of a magistrate and such magistrate shall verbally order the arrest of the offender. When it is represented to the policeman by some credible person that a felony or disturbance, affray, or breach of the peace, or violation of some city ordinance has been committed, and that the offender probably will escape if the arrest is delayed to procure a warrant. The city council may establish rules authorizing the arrest without warrant of any person of persons found in suspicious places or under circumstances reasonably tending to show that such person or persons have been guilty of some felony or breach of the peace, or violation of some municipal ordinance, or about to commit some offense against some State law or against some municipal ordinance. In all the cases enumerated in this section arrest may be lawfully made by said policeman without warrant, and the policeman making the arrest is justified



in adopting and may adopt and use any and all measures which a sheriff might adopt in making arrests under warrant as provided by the State statutes, and in every case of an arrest made without warrant, the policeman making the same shall immediately take the person arrested before that magistrate who ordered the arrest, or if the arrest was made without an order, then before the nearest or most accessible magistrate having jurisdiction, where a complaint may be made and a warrant issued, or such other action taken as is provided by law.

SEC. 34. It shall be the duty of the city secretary to attend every meeting of the city council, and keep accurate minutes and records of the proceedings thereof in a book provided for that purpose, and to engross and enroll all laws, ordinances and resolutions of the city council; to keep the corporate seal and the seal of the corporation court, to take charge of, preserve and keep in order all books records, papers, documents and files which have been submitted to the city council, to countersign all commissions issued to the city officers and licenses by the mayor, and to keep a record or register thereof, and to make all notices required under any resolution or ordinance of the city. He shall draw all warrants on the city funds and moneys as directed by the city council, and countersign the same and keep an accurate account thereof in books provided for that purpose. He shall keep in books regular accounts of the receipts and disbursements of the city, showing separately under proper heads each cause of receipt or disbursement; and he shall also keep accurate accounts with each person, crediting amounts allowed by proper authority, and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city and all evidences of debt due and payable to it, noting the particulars thereof, and all facts connected therewith, as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by law or ordinance, resolution or order of the city council. He shall receive a salary of two thousand dollars per annum, payable in monthly installments, and he shall give bond with good security, payable to the city in such amount as the city council may prescribe, and conditioned for the faithful discharge of his duties in accordance with the charter and ordinances of the city, the same to be approved by the city council. He shall have such assistants, to be paid by the city, as may be needed for the transaction of business relating to his office, the necessity of such assistants to be determined by the council.

SEC. 35. The city treasurer shall be selected by the city council, who shall appoint to such office the highest and best bidder therefor being the person bidding the best rate of interest on daily balances of city funds in his hands, to be determined by said council upon the submission of sealed bids, which shall be opened only in the presence of said council and at some regular meeting thereof, and the city council shall have the right to reject any and all bids, and the person so selected shall be city treasurer, and he shall hold such office for the term of two years and until his successor is elected and qualified. The first city treasurer under this charter shall be selected at the first regular meeting of the city council held after the city election in the year 1901, and the person so selected and his successors in office shall give bond and shall be officers of said city. The treasurer shall receive and keep the money of the city

and pay out the same on warrants drawn by the mayor or acting mayor and attested by the secretary under the seal of the city, and he shall pay out no money except upon such warrants, nor shall any warrant be paid unless it shall show upon its face that the city council has directed it to be issued, and for what purpose. The treasurer shall also render a full and correct statement of his receipts and payments to the city council at its first regular meeting in every quarter, and at all other times whenever he is requested by the city council so to do. At the end of every half year he shall cause to be published at the expense of the city a report showing the receipts and expenditures for the half year preceding such report, and showing also the general condition of the treasury, and he shall also do and perform all such other acts and duties as the city council may require.

SEC. 36. The city treasurer shall execute a bond, payable to the city, in such an amount and in such form as the city council may require, with sufficient security to be approved by the council, and said bond shall be conditioned for the faithful discharge by the city treasurer of his duties in accordance with the charter and ordinances of the city, and shall contain such other conditions as the city council may require. The city treasurer shall also be treasurer, and hold and pay out all moneys belonging to the public school fund of said city, and he shall give another bond, payable to the city, in such amount and of such form as may be required by the city council, and with sufficient security to be approved by the city council, and shall contain such other conditions as the city council may require; and said last mentioned bond shall be conditioned for the faithful discharge by the treasurer of his duties as treasurer by reason of all school funds, from any source, coming into his hands. The bond of the city treasurer for school funds, and his bond for city funds, shall be kept at all times, in excess of the amount of funds in his hands, secured by said respective bonds. And the city council shall require of the city treasurer that such bonds be signed by at least one guaranty or surety company, authorized to do business in this State.

SEC. 37. The city council may at any time require of the city treasurer a new bond, whenever for any reason, said council shall deem the existing bond to be insufficient, or a new bond may be required by said city council without any reason being assigned therefor. The amount of the bond required of the said city treasurer may be increased or decreased at the pleasure of the city council, and whenever any new or additional bond shall be required, said treasurer shall perform no official act until the same shall have been given, and if he shall fail for a period of ten (10) days after such order shall have been made to comply with such order, and to give the new or additional bond required thereby to the satisfaction of the city council, as evidenced by its approval of such new or additional bond, then and in every such case, the office of city treasurer shall, by virtue of that fact and without notice, or any further action whatever, shall become and be vacant, and a new treasurer shall be selected by the city council for the unexpired term only, and the old treasurer shall forthwith pay over and deliver to said new treasurer, as soon as the latter has qualified and given bond, all such funds and moneys with which said old treasurer is chargeable, and all papers, vouchers and belonging or pertaining to his office.

SEC. 38. The assessor and collector shall make up the assessment of

all taxable property within the limits of said city, and collect all taxes due the city, and shall make sales of property for due and delinquent taxes thereon, and shall have such other powers and perform such other duties as are prescribed in this act and charter, and shall in the performance of his duties observe the provisions of this act and the ordinances of the city relating thereto. He shall give bond, payable to said city, in such an amount and in such form as the council may require, with good and sufficient sureties, and said council may require one of said sureties to be a surety or guarantee company authorized to do business in this State; conditioned for the faithful performance of his duties in accordance with the charter and ordinances of the city, the same to be approved by the council. The council may require of him a new bond, either for the same or for a greater amount whenever they deem the existing bond for any reason insufficient, and whenever such new bond shall be required, he shall perform no official act until the same is given and approved. He shall, at the expiration of every week, pay into the city treasury all money collected by him by virtue of his office, and he shall, at the first meeting in every month, report to the council the money so collected and paid. He shall do and perform all the duties of his office in such manner and according to such rules and regulations as the council may prescribe, not in conflict with the provisions of this act. He is authorized to require the owners of personal property, subject to taxation, to render a correct statement thereof under oath, to be administered by him or one of his deputies, and for this purpose he and his deputies are authorized to administer oaths. He is empowered to appoint one or more deputies subject to confirmation of the city council, but the salaries of such deputies shall be paid by himself, and not by the city. He shall receive as compensation for the services of himself and his deputies, one per cent of the amount of taxes collected from real estate, and three and one-half per cent of the amount of taxes collected from personal property, and five per cent of the amount of occupation taxes collected for said city, and ten per cent of the amount of poll taxes collected, to be retained in each case out of the money so collected.

SEC. 39. The city engineer shall possess such powers and perform such duties as the city council may require and prescribe, and he shall receive a salary of thirteen hundred and fifty dollars per annum, payable in monthly installments. He shall execute a bond, payable to the city, in such amount as the council may prescribe, with sufficient security, to be approved by the council, and conditioned for the faithful discharge of his duties in accordance with the charter and ordinances of the city.

SEC. 40. The city attorney shall represent the city of Fort Worth in all cases now pending or hereafter to be brought, in any court in favor of or against said city. He shall attend all meetings of the city council and give his advice and counsel when called upon to do so, and he shall render such other professional services as the council may require. He shall have the power to administer oaths in any matter pertaining to the duties of his office. He shall receive a salary of twenty-five hundred dollars per annum, from and after the passage of this act, payable in monthly installments. The council may, when it deems it necessary, employ assistant counsel to assist the city attorney in any matters or suits affecting the city, and may pay said assistants such compensation as may be agreed upon. The city attorney shall give such bond as the city council may require.

SEC. 41. The city auditor of the city of Fort Worth shall examine, adjust and audit all unsettled accounts, claims and demands against said city for the payment of which any money be required or turned over to the city treasurer, and whenever he thinks proper he shall require accounts, claims, demands or settlements to be verified by affidavit, and after having examined the same, with all the accompanying documents and evidence, such as he finds to be correct and to be duly authorized by law or by some ordinance, resolution, or proceeding of the city council, he shall certify the amount owing by the city thereon and the true state thereof, and report the same to the city council, and no account, claim or demand whatsoever, against the said city, shall be paid, without the same first shall have been submitted to and examined and approved by said auditor. He shall also examine all the principal records of the several city officers and point out any error or irregularity he may detect in the same, and he shall examine the official books, accounts and reports of every officer of the city who receives or pays out any money of said city and report to the city council any mistake, illegal charge or irregularity discovered by him therein. He shall also examine into the rates charged to customers of water, and from time to time shall report to the council whether such rates are regular, uniform, and scaled as required by the ordinances of said city council. At least once a month he shall make out and present to the city council a statement of the revenues, funds and income of the city, and of its expenditures and disbursements since last reporting. It shall be his duty, whenever he is so required, to furnish in writing to the city council information upon any subject connected with his office, and to suggest plans for the management of the income and the liquidation of debts, claims and demands for which the city is liable. He shall also furnish to the mayor or city council, or to any committee thereof, any information in his possession relating to his office or to the revenues of the city, and he shall at all times permit the mayor or any alderman or any other officer interested to examine any books, papers or documents of any kind in his office. He shall at all times have free access to the books, records, reports, papers, accounts, receipts, permits and estimates of any office of the city government, and do every other thing necessary to give him full information upon matters being investigated by him. He shall keep all books necessary to show the transactions of his office, and with the approval of the city council, he shall establish proper rules for the government of his office, and prescribe the forms of accounts and all certificates and receipts to be attached thereto. He shall keep his office in such place as is designated by the city council, and shall give such bond as the council may prescribe, to be approved by the mayor, conditioned for the faithful performance of all his official duties. He shall be paid a salary of fifteen hundred dollars per annum, and the same shall be paid in monthly installments.

SEC. 42. The city council may from time to time require other and further duties of all officers whose duties are herein prescribed, and fix, if need be, compensation for such extra duties and powers of all officers appointed or elected to any office of the city, and whose duties are not specially herein mentioned, and fix their compensation, when not herein fixed. They may also require bonds to be given to said city by all officers for the faithful performance of their official duties. The council shall

also provide for the filling of vacancies in all offices not herein provided for, and in all cases of vacancies the same shall be filled for the unexpired term only.

SEC. 43. The city council shall be composed of the mayor and aldermen of said city, and shall meet at such times and places as it may from time to time designate, either by resolution or ordinance. At the first meeting of each new council, or as soon thereafter as may be practicable, it shall select one of its own members to be president of the council, who shall be mayor pro tem, and the president so selected shall hold his office for the term of one year. In case both the mayor and the president are absent from any meeting, the council shall appoint some one of its members then present to act as mayor and to preside at such meeting, and said member so selected shall act as mayor until the mayor, or mayor pro tem, returns to duty, or until such next meeting of the city council.

SEC. 44. Special meetings of the city council may be called by the mayor, and the same shall be called by the mayor upon the written application of any three or more of the aldermen. If in any case the mayor when requested so to do by three or more aldermen shall fail or refuse to call a meeting of the council, then such meeting may be called by a majority of the aldermen, who shall give the same notice as the mayor is required to give, and shall also notify the mayor. Written notices of special meetings shall be served personally upon or left at the usual place of business or at the residence of each member of the city council, and the city secretary and the city attorney. The council shall determine the rules of its proceedings, and be the sole judge of the election and qualification of its members, and have the power to compel the attendance of absent members and punish any member for disorderly conduct. Petitions and remonstrances may be presented to the council in writing only, and all process required by law to be served upon the city shall be served upon the mayor or city secretary.

SEC. 45. The city council of said city shall have, possess, exercise and enjoy the following expressed powers, upon which its judgment shall be final and conclusive, to-wit:

To manage and control the finances of the city and all of its property, whether real, personal or mixed.

To appropriate money, to provide for and direct the payment of the debts and expenses of the city.

To provide by ordinance special funds for special purposes and to make the same disbursable only for the purposes for which the fund was created, and to impose penalties for disbursing said special funds for any purpose other than as provided by ordinance.

To provide by ordinance for the payment of any existing or outstanding indebtedness of the city, and for the payment of any bonds that from time to time may be issued, and to assess, levy and collect a special tax for that purpose.

To provide by ordinance for refunding all or any part of the present or any future bonded debt of the city of Fort Worth and for that purpose the city council is hereby given express power to authorize and to provide for the issuance of the funding debt bonds of the said city, in an amount not to exceed the actual bonded debt of the said city, exclusive of the bonds held as a part of its sinking fund, to mature at not to exceed

forty (40) years from the date of issue, bearing interest at not more than four (4) per centum per annum, payable semi-annually at such place as the city council may designate, both principal and interest payable in gold coin of the United States of America of the present standard of weight and fineness, and all such funding bonds shall recite that they are issued to fund a like amount of the legal bonded indebtedness of the said city, and they shall be presented to and examined by the Attorney General of the State of Texas and approved by him before being issued, and they shall be registered by the Comptroller of said State in like manner and with same effect as is now provided by the General Laws of the State in the case of county bonds, and said funding bonds shall be deposited with said Comptroller, who shall issue the same from time whenever a like amount of the old bonds of the said city are presented to said Comptroller for collection, and not otherwise. Said new funding bonds shall not be exchanged or sold at less than par and accrued interest, nor shall more than par and accrued interest be paid or allowed in exchange for any of the old or outstanding bonds of the said city. The city council shall annually assess, levy and collect an ad valorem tax on all property in said city subject to taxation, and said tax shall be sufficient to pay the interest on all funding bonds issued, to create a sinking fund of not less than two (2) per centum of the same, and the said tax shall be collected and the proceeds kept by the city treasurer as separate accounts for interest and for sinking fund as aforesaid, and neither of said accounts shall be drawn upon for any purpose other than that for which is was created, and the city treasurer shall be personally liable, and he and his bondsmen shall be liable upon his official bond should he honor drafts or warrants upon said funds or make payments out of the same for any purpose other than that for which said funds are created.

To appropriate so much of the revenues of the city emanating from any source whatever, and not herein otherwise expressly appropriated, and to use the same for the purpose of retiring and discharging the accrued indebtedness of this city, and for the purpose of providing and maintaining a wholesome and sufficient supply of water for the use of its inhabitants, and of improving its streets, and of erecting and maintaining a city hall, city hospital, school houses, waterworks, fire halls, sewers and such other public improvements as said council from time to time may deem expedient.

SEC. 46. That no bonds, save those for refunding purposes, shall ever be issued by said city in excess of five per cent of the total assessed values of the property in said city, and then only upon the vote of the taxpayers of said city. And before any such election shall be held, the same shall be ordered by two-thirds of all the elected city council, at a regular meeting held by such council; and after ten days has been allowed for the registration of the qualified voters, taxpayers of said city, and the said council shall make provision for such registration and give due notice thereof, and of the time and place of registration, and of the time and place of voting, and shall in such notice specify the purpose of such election. At such election none but duly registered taxpayers of said city shall be entitled to vote, and a majority of all such registered voters at such elections, shall be necessary to carry such election. The said bonds, when issued, shall not run for a longer period than twenty years, and

shall be redeemable at the option of the city, after five years from the date of issuance; shall bear no greater interest than five per centum per annum, and shall never be sold for less than per value, accrued interest included, and all bond issues authorized as herein provided for, shall provide for the levy and assessment of a sufficient tax to pay the annual interest and create a sinking fund sufficient to pay off bonds at maturity. The city of Fort Worth shall not have power to issue or have outstanding the promissory notes of said city for any greater amount than twenty-five thousand dollars, and the promissory notes of said city shall not bear a greater rate of interest than eight per centum per annum; provided, that said city council shall have the right, in case of public calamity threatening or affecting the people of said city, to issue notes in an additional sum of twenty-five thousand dollars, to bear interest not to exceed eight per cent per annum. Provided, that nothing contained in this section shall apply to or restrict the issue of refunding bonds.

SEC. 47. Each bond issued under the provisions of this charter shall be payable at such place or places as may be fixed by ordinance and shall specify the purpose for which it was issued and shall not be invalid if sold at less than par, and the proceeds of every series of such bonds shall be used for the purpose for which it was issued and for no other purpose whatever, and each such bond shall be signed by the mayor, and countersigned by the city secretary, with the impress of the city seal affixed thereto.

SEC. 48. When any bond or notes are issued under the provisions of this charter, the city council shall, at the same time, make provision to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two (2) per cent thereon, and the fund so provided, for interest and sinking fund, shall not be diverted nor drawn upon for any purpose, and no drafts or warrants upon said fund shall be honored except such as are drawn to pay interest on the bonds or to invest the sinking fund in some manner authorized by law.

SEC. 49. The city council shall have power to invest any sinking fund provided for the payment of any of its bonds, in bonds of the United States, or in bonds of the State of Texas, or in the bonds of any county within the said State, or in bonds of the city of Fort Worth, but only after such State, county or city bonds have been approved by the Attorney General and registered by the Comptroller, as required by law.

SEC. 50. Before the delivery of any bonds issued under the provisions of this charter, it shall be the duty of the mayor, whenever any such bonds are issued, to forward the same to the Comptroller of Public Accounts of the State of Texas for registration, and to send with them a statement of the value of all taxable property, real and personal within said city, and a statement of the amount of tax levied for the payment of interest and to create a sinking fund, and the mayor shall also furnish and forward any other or further information required by the Comptroller, and in any way affecting the validity of said bonds.

SEC. 51. If any bonds presented to the Comptroller for registration shall, after full investigation and inquiry appear to have been illegally issued, the Comptroller shall refuse to register the same, and shall return them to the mayor with a statement of the reasons assigned for refusing to register said bonds, but if said bonds or any of them shall appear to have been issued according to law, then the bonds so issued shall be

registered by the Comptroller in a book kept for that purpose and the Comptroller shall indorse his certificate of registration upon each bond so registered, and at the request of the mayor or city council, shall give a certificate showing the amount of bonds so registered in said Comptroller's office up to date of such certificate, and the purpose for which issued, and any other information respecting the same which appears upon the books, files and records of his office.

SEC. 52. Bonds registered as herein provided and afterwards delivered, shall not be subject, after such registration and delivery to any defense or defenses that may have existed prior to said registration and delivery, and this shall be stated on the face of the bonds, and it is hereby made the duty of said Comptroller to see that a tax is levied and collected annually by the city sufficient to pay the interest on its bonded indebtedness and to create a sinking fund therefor, as required by law, and he shall also see that the sinking fund is invested in good interest-bearing securities of the kind herein specified.

SEC. 53. Whenever any bonds of the said city shall have been redeemed, paid and canceled, then the city may issue other bonds in like sum or for like sums of money, up to the amount of the bonds so redeemed, paid and canceled.

SEC. 54. No debt shall ever be created by said city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon.

SEC. 55. The city council shall, not more than ten days after the expiration of each municipal year, cause to be published in the official paper of the city, if it has one, and if not, then in any newspaper published in said city, a full and correct statement of all receipts and disbursements of the city, since the last annual report together with the sources from which the funds were derived and showing for what purpose disbursed and the condition of the treasury and of the several special funds, together with such other information as may be necessary to a full understanding of the financial condition of the city.

SEC. 56. The city council shall also have power to provide the city with water, or to cause the same to be provided, and for this purpose may make, establish and regulate public wells, pumps, cisterns, hydrants, reservoirs and standpipes in the street or at such other place or places as to said council may seem proper, either within the city or beyond the limits thereof, and shall have full control of the same and of all necessary streams and water courses within the city, and for a distance of ten miles beyond the limits, and said council may establish and maintain a waterworks department and may appoint officers, agents and employes for the operation thereof, and clothe and vest them with such power and authority as in the discretion of such council may or shall seem proper, and the waterworks department heretofore established, and the ordinances, resolutions, rules and regulations now in force for the establishment, government and maintenance of said department, and all other ordinances of said city, shall continue in full force and effect until and except as the same may or shall be altered, changed or modified by said council. The superintendent of waterworks and electric light department shall be the chief executive officer of the waterworks and electric light department, and shall have such powers and be subject



to such duties as the city council may prescribe, and for such services he shall receive a salary of two thousand dollars per annum to be paid in monthly installments. The secretary of the waterworks shall be the accountant and bookkeeper of the waterworks department, and shall have the custody and care of all books and papers relating thereto, and shall collect and account for and turn over all moneys owing to said department. He shall also perform such other duties as the city council may prescribe, and shall receive for his services a salary of fifteen hundred dollars per annum, to be paid in monthly installments. The inspector of waterworks shall examine, inspect and report upon the condition of all waterworks property and fixtures, and perform and discharge such other duties as the city council may prescribe, and for his services shall receive a salary of twelve hundred dollars per annum, to be paid in monthly installments. The superintendent of waterworks, the secretary of waterworks and the inspector of waterworks shall each give bond in such sum and with such conditions as the city council may require.

SEC. 57. Whenever in the opinion of the city council it becomes or is necessary to take any private real estate or other property, situated either within or outside of the limits of said city, for use in the construction of water mains, dams or reservoirs, or to use in any way for impounding and storing water and to increase the water supply for said city, then said real estate and other property may be taken for any or either of said purposes by first making just compensation for the same to the owners thereof. If the amount of such compensation cannot be agreed upon, it shall be the duty of the city council to cause proceedings to be had for the condemnation of said real estate or other property as in the case of property taken for streets or for sewer purposes.

SEC. 58. The city council shall also have exclusive control and power over the streets, alleys, crossings, highways, and public grounds in the city, and shall have full power to abate and remove all encroachments or obstructions thereon, and to open, alter, widen, close, extend, establish, regulate, grade, pave, clean or otherwise improve said streets. The city council shall also have power and authority to make contracts and agreements with any railroad company having a line of railroad in said city, for the erection and maintenance of viaducts at the intersection of any streets or highways in said city by the line of any such railroad, and it may require any street car, or other like company, that may desire to cross any such viaduct, to assist in erecting and maintaining the same, as a condition precedent to the right of such street car, or other like company, to use such viaduct by running its cars over the same.

The city council shall also have the power to put drains and sewers in said streets, alleys, crossings, highways and public grounds, and to prevent the encumbering thereof in any manner, and to protect the same from any encroachment or injury. And to abolish, erect, construct, regulate and keep in repair bridges, culverts, sewers and crossways, and to regulate the construction and use of the same, and to abate and punish any obstruction and encroachments thereon, and any obstructions or encroachments on the sidewalks, curbing and gutters of said city. And to regulate the plumbing in said city, and the use and mode and manner of supplying electricity and the use of electrical machinery, fixtures and appliances.

SEC. 59. The city council shall also have full power to establish,

regulate and change the grade of streets, alleys and sidewalks, and to require the same to be raised and lowered as in the judgment of said council may be or become necessary, and to regulate and alter the grade of premises within the limits of said city, and to require the same to be raised or lowered so as to conform to the grade of any street or streets on which it abuts.

To prevent any street, alley, sidewalk or other place from being dug up, and to prevent the making of excavations therein, unless the same be with the permission of the city council or such officer or officers as it may designate, and under the direction and supervision of the city engineer, and to require such street, alley, sidewalk or other public place to be repaired and restored to the satisfaction of said engineer.

To establish stands for hacks, carriages and other vehicles engaged in carrying goods or passengers for hire, and to prevent the drivers of such hacks, carriages and other vehicles, stopping, standing or detaining the same, and from soliciting or waiting for employment at any place, on any street, alley, highway or other public grounds in said city, except at such stands as said council may establish, and the existing ordinances of said city establishing hack stands and regulating the same are hereby validated and declared reasonable and binding.

To prevent the encumbering of the streets, alleys, sidewalks and public grounds with carriages, wagons, carts, hacks, buggies or any vehicles whatsoever, or with boxes, lumber, firewood, posts, awning signs, or any other substance or material whatever, or in any other manner whatever; to compel all persons to keep all weeds, filth and any kind of rubbish from the sidewalks and streets and gutters in front of the premises occupied by them, and to require and compel the owners of any real estate to fill up, grade, gravel or otherwise improve the sidewalks in front and adjoining their property.

To permit and regulate, or to prohibit and prevent, as in its judgment seems best the laying and repairing of gas and water mains and pipes in said streets, alleys, crossings, highways, and public grounds, and to compel any person or persons laying or repairing gas, water, sewer or any other pipes or mains therein, or using such places for building or other purposes, to repair, restore and clean up the streets, alleys, sidewalks or other public places so used.

To provide for the lighting of streets, public grounds and public buildings, and to erect and maintain all necessary lamp posts, lamps and other fixtures, and to furnish the citizens of said city with light, and to erect, own, use and operate all necessary machinery, fixtures, appliances and appurtenances of every nature whatever, necessary for said purpose, and to demand and receive compensation for lights furnished for private purposes, and to provide for the location and regulation of such lights.

To exclusively permit, prevent, regulate, and direct and control the establishment and maintenance of electric and other lights, and the carrying of electric currents, and the controlling of such currents, and the closing of circuits therefor, and the grounding of electric currents, and the erection of telegraph, telephone and electric light or power poles in the streets, alleys, sidewalks and other public grounds, and the construction and maintenance of such poles, and of all wires and appliances, and to provide, fix and enforce rules and regulations therefor, and to impose such terms as they deem proper for the use for any such purpose of the

streets, alleys and sidewalks; and to demand and collect for the use of same such compensation as the city council may think proper.

To provide for enclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets, sidewalks and public grounds.

To provide for sprinkling any and all streets of the city, and the further power to assess, levy and collect a special tax on the property fronting on said streets and against the owner or owners of such property to cover the entire expense of such sprinkling, but no such tax shall be assessed, unless by two-thirds vote of the entire city council, and the council shall have full power by ordinance to provide for the assessment, levy and collection of said special tax, and the same shall not be considered within the tax limits hereinafter provided.

SEC. 60. The city council shall also have the sole and exclusive power to prevent, permit, direct and control the laying, construction, and maintenance of steam railroad tracks, bridges, viaducts, turnouts and switches in the streets, alleys and public grounds of said city; to require that all such tracks, bridges, viaducts, turnouts and switches shall be so constructed, laid and maintained as to interfere as little as possible with the ordinary travel upon and use of said streets, alleys and public grounds, and that if possible sufficient space shall be left on either side of said tracks and other structures for the safe and convenient passage of teams and persons; to require railroad companies using such streets, alleys or other public grounds for any of said purposes to keep in repair and to light, patrol and guard the same so far as they are used, and to require such companies to construct and maintain, in good repair, suitable crossings at the intersection of their tracks with any streets, alleys or other public grounds, and to light and guard such crossings; to direct and control the use and regulate the speed of locomotive engines and cars within the limits of said city.

SEC. 61. The city council shall also have sole and exclusive power and authority to compel horse and electric railroads, or other city street railroad companies, to keep their roads in repair, and to make them conform to the grade of the streets upon which their tracks may be laid, whenever said streets shall have been graded by the city, and to restrain the rate of speed so as not to exceed seven miles per hour, and to compel said city railroads to supply ample accommodation for the safe and convenient travel of the people on the streets where their tracks may run, and to compel said city railroads to furnish safe, comfortable and convenient cars for the transportation of passengers; to declare their franchises forfeited upon the non-compliance by said companies with the ordinances of the city, or the condition or agreement under which said franchises were granted, and to forthwith remove their tracks from any of the streets of the city; to compel street railway companies to permit other companies to use their tracks for the purpose of traffic thereon, for a distance not exceeding three hundred feet, when in the discretion of the city council it may be deemed necessary to the use and convenience of the city and traveling public; provided, that the provision as to the use of tracks shall apply to tracks now existing around the court house square for their entire length or width.

SEC. 62. It shall be the duty of the street commissioner to supervise

and look after all streets, alleys, avenues, highways and public places in said city, and report to the city council or such committee as it may direct, all necessary repairs and improvements, and to make the same under the direction of said city council or committee.

He shall have control of the calaboose or chain gang of the city, and of all laborers on the city streets, and shall direct their work and employ and discharge laborers, under such directions as the city council may give; he shall have no other business or employment. He shall give bond for such an amount and with such conditions as said city council may require. He shall also perform and discharge such other duties as the council may prescribe, and for his services shall receive a salary of twelve hundred dollars per annum, to be paid in monthly installments.

SEC. 63. The city council shall also fix and determine the necessity, nature and extent of street and sidewalk improvements, repairs and reconstruction, and may, at its discretion, cause all or any part of such streets and sidewalks to be constructed, reconstructed, graded, regraded, paved, repaved, or in any other way repaired, improved, or maintained, and said council shall have full power and authority to provide, by ordinance, for the determination, after notice and by due process of law, of the amounts of benefits to each parcel of abutting property by reason of any such improvement, repair or reconstruction, and of a fair and just proportion and of the amount of the cost of the same to be paid by each abutting owner, and the amount of cost so adjudged shall be a personal liability against such owner, as well as a first and prior lien and charge upon his abutting property. All assessments of benefits and of the proportion and amount of cost to be paid by the owner shall be determined by a commission of three citizens, to be appointed in the same manner as in the condemnation of right of way for railroads, and the procedure and practice established by law in such condemnation cases, so far as applicable shall govern assessments for street and sidewalk improvements. The assessment of cost against an abutting owner shall in no case exceed the benefit to his abutting property, as established by the judgment of the commission, but the owner shall be entitled to no reduction for benefits received by him in common with others, and the total cost, not in excess of the total benefits to abutting owners, shall be fairly distributed by said commissioners among such owners, first deducting the cost of street crossings, and of such portions of said improvements, if any, as may be paid for by street railroad companies, occupying portions of the street under improvement.

SEC. 64. Whenever the city council of said city shall deem it necessary to take any private property, in order to open, change, alter or widen any public street, avenue, or alley, for the construction of water mains or sewers within or without the limits of the city, or for the construction of dams or reservoirs, or for the storage of water within or without the limits of the city, such property may be taken for such purpose by first making just compensation to the owners thereof. If the amount of such compensation cannot be agreed upon, it shall be the duty of the city council to cause the city attorney to state in writing the real estate or property so sought to be taken, the name of the owner, and his residence, if known, and file such statement with the county judge of Tarrant county, who shall then proceed as the law directs in condemnation proceedings under the laws of this State, and the city

council is expressly authorized and empowered to condemn the right of way, real estate, or any interest therein, and the roadbed and railroad tracks of any railroad company whose right of way, real estate, or roadbed and tracks extend within the corporate limits of said city, whenever such condemnation is deemed necessary and so declared by a majority of the members present at any meeting of said city council for the purpose of opening, widening or extending any street or other public highway of said city or for the purpose of constructing water mains, or sewers, or for the construction of dams or reservoirs for the storage of water.

SEC. 65. Upon the filing of such statement, it shall be the duty of the county judge, in term time or in vacation, to appoint three disinterested freeholders and qualified voters of the county as special commissioners to assess the damages to accrue to the owner by reason of such proposed condemnation.

SEC. 66. The commissioners so appointed shall in their proceedings be governed and controlled by the State laws in force in reference to the condemnation of right of way for railroad companies and the assessment of damages therefor, the city occupying the position of the railroad company and the laws with reference to application for condemnation of right of way for railroad companies, including the measure of damages, the right of appeal and the like shall apply to an application by said city under this act for the condemnation of property for the purpose of opening, changing or widening streets, avenues, or alleys, or for the construction of water mains or sewers, dams or reservoirs or for the storage of water, the city to occupy the position of the railroad company.

SEC. 67. The city council shall also have full power and authority to make and provide for the enforcement of regulations to prevent the introduction into the city of any contagious or infectious disease, and may make quarantine laws, and all other necessary or expedient laws, rules and regulations for the promotion of health and the suppression of disease, and may enforce them or cause them to be enforced at any place within the city or outside of its limits and within ten miles thereof, and may erect or establish such hospitals and such pest houses and places of detention for persons infected or suspected of infection with contagious disease as may be thought necessary, and may control and regulate the same.

SEC. 68. The city council may appoint as many health inspectors as are deemed necessary, and may by ordinance prescribe the powers, duties and compensation of such health inspectors, and may authorize them, or any of them, or any other of its officers or employes to stop, examine and detain any person or persons coming or suspected of coming from any place infected or believed to be infected with any infectious or contagious disease, and to prevent any such person or persons from entering the city; and said council may also authorize and empower such inspectors, officers and employes, or any of them, to cause any person suspected of being infected with any contagious or infectious disease to be sent to the city hospital or pest house, or such other place of detention as the council may provide, or said council may cause any such person or persons to be confined and isolated in the rooms or premises where they are found; and to remove from the city, disinfect, or destroy any furniture, wearing apparel or property tainted or infected with or exposed to infec-

tion from any contagious or infectious disease, or which shall be likely in the opinion of the city physician, to pass into such a state as to propagate, generate or communicate disease.

SEC. 69. The city council shall provide by ordinance for abating all nuisances of every description, which are or may become injurious to the health or comfort of any of the inhabitants of the said city, and shall make and provide for the enforcement of all necessary rules and regulations for the preservation of health and to suppress disease, and to prevent its spread within the said city, and shall not in any case whatsoever, be liable or held for injuries to persons or property, or for any damages in any manner occasioned in the enforcement or attempted enforcement of any of its rules, regulations or ordinances, or of the provisions of this charter for the preservation of the health of said city, or to prevent the entrance or spread within said city of infectious or contagious diseases.

SEC. 70. The owner, driver or conductor in charge of any stage, railroad cars or other public conveyance, which shall enter the city, having on board any person sick of a malignant fever or pestilential, contagious or infectious disease, unless such person became sick on the way and could not be left, shall be guilty of a misdemeanor punishable with fine: and such owner, driver, conductor or person in charge shall, within three hours after the arrival of such sick person, report in writing the facts, with the name of such person and the house where he was put down in the city, to the city physician, and every neglect to comply with these provisions shall be a misdemeanor and punishable by fine.

SEC. 71. Any person who shall knowingly bring or cause to be brought into the city any person or property of any kind tainted or infected with any pestilential, infectious, or contagious disease shall be guilty of a misdemeanor, and punished by fine.

SEC. 72. Every keeper of an inn, hotel, tavern, boarding or lodging house in the city, in which any inmate thereof shall be sick with small-pox, varioloid, yellow fever, or other infectious, contagious or pestilential disease, shall upon such facts coming to his or her knowledge forthwith report the same to the city physician. Every physician in the city shall report under his hand to the officer above named the residence and disease of every patient whom he shall have sick of any infectious, contagious or pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section or any part of either of them shall be a misdemeanor punishable by fine.

SEC. 73. The city council shall also have power to require the filling up, draining and regulating of any lot or lots, grounds or yards, or any other places in the city, which shall be or become unwholesome or offensive, or have stagnant water therein, or from any other cause be in such condition as to be liable to produce disease, and to cause all premises to be inspected and to impose fines on the owners and occupants of houses under which or about which such stagnant water may be found, and to pass such ordinances as they may deem necessary for the purposes aforesaid, and for the making, filling up, altering or repairing and the constructing of sewers and compelling cleanliness of all sinks, privies and water closets, and directing the mode and material for constructing them in future, and for regulating the plumbing thereof, and the connections with the water and sewer system: provided, that no preference shall ever be given any manufacturer or dealer in sinks, closets or material used

therein, and for cleansing and disinfecting the same, and for the cleansing of any house, building, establishment, yard or ground from filthy, impure or unwholesome matter of any kind, and to punish any owner or occupant violating the provisions of any ordinance so passed as aforesaid, and the city council shall also have full power to cause any of the improvements above mentioned to be done at the expense of the city on account of the owners and to cause the expenses to be assessed on the real estate or lot or lots benefited thereby, and on filing with the county clerk of Tarrant county, a statement by the mayor of such expenses, shall have a first and privileged lien on such property to secure such expenditures and ten per cent interest per annum thereon. For any such expenditures and interest as aforesaid suit may be instituted and recovery had in the name of the corporation in any court having jurisdiction.

SEC. 74. It shall be the duty of the city physician to visit and treat as often as necessary and in a skillful and scientific manner all parties sent to the city hospital by the city authorities and all persons confined or detained in any pest house or house of detention, and when directed by any committee of the city council to visit such persons as are indigent and unable to pay for medical attention, and to render all necessary attention to such indigent persons, and to perform such other duties as the council may from time to time direct, and for his services he shall receive a salary of fifteen hundred dollars per annum, payable in monthly installments. The city council may in their discretion require the city physician to give bond in such amount and with such conditions as it may prescribe. The city physician may be authorized by the city council, when the public interest requires, to exercise for the time being such of the powers and perform such of the duties of the chief of police as the city council may direct and authorize, and he may also be authorized by the city council to enter all houses, buildings and places, public or private, at any and all times, in the discharge of his duties under this charter or under any ordinance of the city after first asking permission of the owners or occupants. The city council shall have power to punish by fine any neglect or refusal to observe the orders and regulations of the city physician.

SEC. 75. The city council may co-operate with the commissioners court in making such improvements connected with the city and county as may be deemed by the city council and commissioners court necessary to improve the public health and promote efficient sanitary regulations, and by mutual arrangement they may provide for the construction of said improvements and the payment thereof.

SEC. 76. The city council may by ordinance compel the owner or occupant of any grocery, soap, tallow or chandler establishment, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewer, privy, hide house, or any unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants, and direct the abatement thereof and provide for the punishment by fine of any one found guilty of maintaining a nuisance within the limits of said city.

SEC. 77. The city council may prohibit by ordinance any person from bringing, depositing or having within the limits of said city any dead carcass, or any other offensive or unwholesome substance or matter, and may require the removal or destruction by any person who shall have

placed or caused to be placed upon or near his premises or elsewhere, of any substance, or matter, filth, or any putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default, may authorize the removal or destruction thereof by some officer of the city, and require the owners of any dead animal to remove the same to such place as may be designated.

SEC. 78. The city council may also, by ordinance require owners of private drains, and sinks that are, or are liable to become offensive, or injurious to health, to fill up, cleanse, drain, alter, relay, repair, fix and improve the same, and in the event of any failure, neglect or refusal to comply with any such orders, the party so failing shall be liable to fine. In the event of there being no person in the city on whom such order can be served, the city may have such work done, and such improvement made on the account of the owner thereof, and all costs, charges and expenses shall be a lien on the property on the filing of the memorandum by the mayor under the corporate seal of the city, and recording the same with the clerk of the county court; and the city may enforce said lien and institute suit in the corporate name, and obtain judgment against said party for the amount so due as aforesaid, in any court having jurisdiction.

SEC. 79. The city council is hereby given full power to regulate the burial of the dead, to purchase, establish, and regulate one or more cemeteries; to require and regulate registration of births, marriages and deaths, and to direct the returning and keeping of bills of mortality.

SEC. 80. The city council is also authorized to direct the location of tanneries, blacksmith shops, foundries, livery stables and manufacturing establishments, to direct the location, regulate the management and construction, restrain, abate and prohibit within the city limits, slaughtering establishments and hide houses, or establishments for keeping and curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

SEC. 81. The city of Fort Worth is constituted a separate and independent school district, and the city council is furthermore authorized to pass such ordinances, rules and regulations which may be necessary to establish new schools, purchase building sites, construct school houses, and generally to promote free public education within its limits.

SEC. 82. The city council of said city shall elect six persons of good moral character, and qualified voters of said city, as a board of trustees of the public free schools, and the mayor of said city shall be ex-officio chairman of said board, and shall vote in the case of a tie only. The present school trustees of said city shall serve until their respective terms of office, as provided in the charter under which they were elected shall have expired, and until their respective successors shall have been elected and qualified.

SEC. 83. All school trustees shall serve without compensation, and except as herein otherwise provided, they shall hold office for a term of two years, and until their successors are elected and qualified. Elections to fill vacancies shall be for the unexpired term only. The successors of outgoing trustees shall be elected by the city council at its first regular meeting prior to the expiration of the term of office of such outgoing trustees, or as soon thereafter as may be practicable.



SEC. 84. Before any trustee enters upon the duties of his office he shall swear that he will faithfully and impartially discharge the duties of his office, and he shall take any other oath that may be prescribed by the city council, and file such affidavit with the city secretary.

SEC. 85. Said board of trustees may adopt such rules, regulations and by-laws for their own government as they may deem proper.

SEC. 86. The public free schools of said city shall be under the control and supervision of such board of trustees, and said board when appointed shall have power to control, manage and govern said schools in all things and matters, and order the payment of school funds for school purposes, and shall have power to elect a superintendent of the public schools in said city, and to select all teachers and fix the salaries thereof.

SEC. 87. Said city shall receive from the State such pro rata of the available school fund as its scholastic population may entitle it to, and shall receive from Tarrant county such pro rata of the interest arising from the permanent school fund of Tarrant county as its scholastic population shall entitle it to.

SEC. 88. The city council in its discretion may provide by ordinance for the levy and collection of an annual special ad valorem tax for school purposes, not to exceed one-half of one per cent, and the proceeds of such tax shall be used for school purposes, and no such tax shall be levied for an amount more than will be reasonably necessary in addition to the pro rata of the available school funds received from the State and the pro rata of the interest on the permanent school fund of Tarrant county to carry on the schools of said city for ten months in each year. All taxes heretofore levied for school purposes by any former city council shall be collected by the city and used for school purposes, and all such former levies for school purposes are hereby validated, and are appropriated for use in conducting the city schools.

SEC. 89. The city council shall have power to provide for the maintenance of a fire department and to make all needful rules and regulations for governing said department, and for preventing and extinguishing fires.

SEC. 90. The city council may procure fire engines and other apparatus for the extinguishment of fires, and have the control thereof, and provide engine houses for the keeping and preserving of same, and shall have power to organize, regulate and maintain fire, hook and ladder, hose and axe companies, and fire brigades, and to provide and regulate and maintain fire halls, and the said companies and the members thereof shall observe and be governed by the ordinances, rules and regulations of the city council relating to the fire department. All firemen and employees of the fire department shall be appointed by the chief of the said department, subject to confirmation by the city council.

SEC. 91. The chief of the fire department shall be entitled to one assistant chief, who shall be selected by the chief, and who shall be paid by the city. The chief of the fire department, and in his absence the assistant chief, or if the chief and assistant are both absent, then the senior captain present shall have full and absolute control over the entire department, and over the engineers, drivers, and other employes thereof, and they and said employes shall conform to all rules and regulations as the city council may prescribe, either by the committee on fire depart-

ment, or otherwise. The chief of the fire department shall report to the city council, annually, and at such times as may be required by the council, showing the condition of the engines, hose, hook and ladders and other fire apparatus, and of the buildings in which same are kept, and shall in such report recommend such additions, alterations and improvements to the same as may be deemed expedient. Said chief of the fire department shall give bond, with two or more good and sufficient sureties, payable to the city of Fort Worth, in the sum of twenty-five hundred dollars, subject to the approval of the city council, and conditioned for the careful, efficient and faithful performance of the duties of his office. He shall have all such other powers and be subject to such other duties, in connection with the fire department of said city as may be prescribed by the city council, and he and all subordinates and employes of said department shall have the same police powers at fires as a city policeman. The chief of the fire department shall receive a salary of \$1500 per annum, payable in monthly installments, and the assistant chief shall receive a salary of \$1200 per annum, payable in monthly installments.

SEC. 92. The mayor, the chief of the fire department, and all subordinates and employes of said department, and all officers of said city, are authorized, and it is made their duty to keep away from the vicinity of any fire, all idle, disorderly and suspicious persons, and to arrest and imprison the same, and to compel all officers of the city and all other persons to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and in preventing property from being stolen.

SEC. 93. When any building in the city is on fire it shall be lawful for the chief or acting chief, with the concurrence of the mayor, or, in his absence, of two aldermen, to direct such building, or any other buildings which they may deem hazardous and likely to take fire and to communicate fire to other buildings, to be torn down, or blown up, or otherwise destroyed, and no action shall be maintained against any person, or against the city therefor; but any person interested in any such building so destroyed or injured, may, within two months and not thereafter, apply in writing to the city council to assess and pay the damages he has sustained; and if the city council and the claimant cannot agree on the terms of adjustment, then the application of such claimant shall be referred to three commissioners, one to be appointed by the claimant, one by the city council and the third by both commissioners, and the decision of the majority shall constitute the award in the case. They shall be sworn faithfully to execute their duty according to the best of their ability; shall have power to subpoena and swear witnesses, and shall give all parties a fair and impartial hearing, and give notice of the time and place of meeting. Said commissioners shall be qualified voters, and owners of real estate in the city, and shall take into account the probabilities whether the said building would have been destroyed by fire if it had not been so pulled down and destroyed, and the loss of insurance upon said property, if any, caused by pulling down or blowing up or destroying said building, and may report that no damage should equitably be allowed to such claimant.

SEC. 94. Whenever a report shall be made and finally confirmed for the appraising of said damages, a compliance with the terms thereof by

the city council shall be deemed a full satisfaction of said damages, and no suit shall enter and be maintained for or on account of such damages in the absence of fraud or gross mistake not chargeable to the complainant for any other purpose than the enforcement of the award as made by the commissioners.

SEC. 95. The city council shall have power, by ordinance to prohibit the erecting, placing, moving or repairing of buildings, or other structures of wood or other combustible material, within such limits in said city as may be prescribed by ordinance, and to direct that all buildings and structures within the limits prescribed shall be made or constructed of some fire-proof material, and to declare all dilapidated buildings to be nuisances, and to direct and require the same to be repaired, removed or otherwise abated in such manner as the council may prescribe, and to declare all wooden buildings and other structures within the fire limit, which are deemed dangerous to contiguous buildings or structures in causing or promoting fires, to be removed or otherwise abated, in such manner and under such penalties to the owners, proprietors or occupants thereof as may be provided by ordinance. The city council may also prohibit the rebuilding, or repairing of wooden buildings or other structures within the fire limits when the same shall have been damaged one-half of its original value by fire, wind, water, long use, or in any manner whatsoever.

SEC. 96. The city council shall have power to prevent and prohibit the dangerous condition of chimneys, flues, fireplaces, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure or safe condition when considered dangerous.

SEC. 97. The city council shall have power to prevent the deposit of ashes in places where they would be liable to produce fire, or in any wood box or barrel, or within any wooden building, and to appoint one or more officers to enter into all buildings and enclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition; and the said city council may also require the inhabitants to keep and provide as many fire buckets, and as many stairs, ladders or other means to reach the roof, and as many scuttles or other openings therein as they shall prescribe, and may regulate the use thereof in times of fire.

SEC. 98. The city council may also regulate or prohibit and prevent the carrying on of work and manufactures that are dangerous in promoting or causing fires, and may prohibit the building or erection of cotton presses and sheds, or may restrict the same to such limits as are prescribed by ordinance; and may regulate or prohibit and prevent the use of fireworks and firearms, or the keeping and management of houses or other structures or places for storing gunpowder, dynamite, or other combustible, explosive, or dangerous material or substances within the city, and may regulate the keeping and conveying of the same.

SEC. 99. The city council shall by ordinance levy and provide for assessing and collecting an annual special ad valorem tax for street improvements, and to increase the water supply of said city, of 25¢ on every one hundred dollars valuation for any single fiscal year, upon all property in said city liable for taxation for State and county purposes, and not by some general law exempt from municipal taxation, and the

proceeds of such tax are hereby appropriated and set apart for use in street improvements, and in securing an increased supply of water for the use of said city in such proportions to each purpose, as the city council may direct.

The city council shall also have power by ordinance to levy and provide for assessing and collecting an additional ad valorem tax for such other purposes as are authorized by this charter, but such additional tax shall not exceed one dollar and fifty cents on every one hundred dollars of valuation for any single fiscal year, and the same shall be assessed, levied and collected upon all property in said city liable for taxation for State and county purposes, and not by some general law exempt from municipal taxation.

SEC. 100. Every male inhabitant over the age of twenty-one years and under sixty years, residing within said city on the first day of January of any year shall pay an annual poll tax not to exceed one dollar for any one year, which shall be levied and collected in the same manner as are other taxes.

SEC. 101. The city council shall have full power and authority to levy and provide for the collection of an annual wheel tax on all drays, floats, wagons, hacks, carriages, buggies, bicycles and other wheeled vehicles, held for use within said city, but no such tax shall ever be levied or collected in excess of one dollar per annum upon each and every dray, float and wagon so held for use in said city, nor in excess of one dollar per annum upon each and every hack, carriage, buggy or other wheeled vehicle not herein expressly named, nor in excess of one dollar per annum on each and every bicycle, and the proceeds of such taxes are hereby set apart for street improvements, and the same shall not be appropriated, used or paid out for any other purpose, nor shall any such proceeds be transferred either temporarily or permanently to any other fund or funds; provided, that this section shall not apply to buggies owned or held by livery stables for hire.

SEC. 102. The city council shall have power to levy, assess and cause to be collected occupation taxes, commonly known as licenses, upon all trades, professions, occupations, callings and other kinds of business carried on in said city on which a license or occupation tax is levied by this State, and for the same period for which such State tax is levied; but unless it is otherwise expressly provided by this charter, the city license or occupation tax shall in no case exceed one-half of the license or occupation tax levied by the State for the same trade, profession, occupation, calling or other kind of business, and no person shall ever be required to pay any license or occupation tax to said city upon any agricultural or mechanical pursuit. All license or occupation taxes shall be received and collected by the city assessor and collector of taxes, and shall be paid to that officer by each and every person chargeable therewith, before engaging upon any trade, profession, occupation, calling or other kind of business upon which said tax is charged, and the city council shall provide suitable penalties for violations or evasions of this section, and in addition thereto the city may collect such taxes by suit in any court having jurisdiction of the amount. Any person pursuing more than one trade, profession, occupation, calling or other kind of business, subject to the payment of occupation taxes, shall pay a license or occupation tax on each, and no license shall extend to more than one profession, occupation, calling or other kinds of business.

SEC. 103. Every person who, on the first day of January of any calendar year, owns or holds property within said city subject to taxation for municipal purposes, shall be liable for taxes thereon for the ensuing year, and nothing contained in this charter shall be held or construed to prevent the city council from imposing, levying and collecting special taxes and assessments, or from issuing certificates to contractors for the same, for work done on the streets, alleys, avenues, and other highways of the city, as is elsewhere provided for in this charter.

SEC. 104. The terms "real estate," or "property," as used in this act shall be construed to embrace lots, land, and all buildings, machinery, fixtures and structures of every kind erected upon and affixed to the same.

SEC. 105. The terms "personal estate" or "property," as used in this act, shall be construed to embrace household furniture, goods, capital, chattels, stock and stocks of corporations, moneys or otherwise, and all credits, bonds, and other evidences of debt owned by residents of said city, and all evidences of debt owned by non-residents against residents of this city, whether the same be in or out of said city; all money at interest within or without said city, due the person to be taxed, over and above what he pays interest for, and all other debts due residents of the city over and above what he pays interest for, and all other debts due residents of the city over and above their indebtedness, and other things denominated as personal property under existing or future State tax laws; provided, however, that two hundred and fifty dollars (\$250.00) worth of household and kitchen furniture, belonging to each family in said city, shall be exempt from municipal taxation.

SEC. 106. The city council shall have power to provide by ordinance for the assessing and levying of the taxes aforesaid, and to determine when taxes shall be paid by corporations, and when by the individual incorporators; provided, that no tax shall be levied except by consent of two-thirds of the aldermen elected.

SEC. 107. The city assessor and collector of taxes shall have charge of, and keep in his office all maps, plats, books, papers, records and other property provided by the city to aid in the assessment of property, and the same are hereby constituted records and archives of his office, for the preservation of which and the delivery thereof to his successor in office, he and the sureties upon his official bond are and shall always be liable and bound.

SEC. 108. From and after the first day of January of each year until the taxes are paid, a lien shall exist in favor of said city upon all property, real and personal, subject to municipal taxation, to secure the payment of all taxes levied and assessed for that year against said property, and of all penalties, interest and cost accrued or that may accrue thereon, and the lien hereby created shall be prior to all other liens upon such property, and no gift, sale, assignment, trust deed, transfer, or incumbrance, or judicial writ of any kind, or other disposition of such property shall ever defeat such lien, or have or give precedence over the same, and the city assessor and collector of taxes shall have full power and authority to pursue such property and to seize and sell all or enough of the same to satisfy and to pay all taxes, penalties, interest and costs thereon. And all persons who purchase, or receive any such property, or acquire any lien upon or right therein, shall be held to have had full prior notice of the existence of said tax lien, and said lien, after accruing

as aforesaid shall continue from year to year until the taxes have been fully paid.

SEC. 109. In all cases where a person owing taxes on personal property shall make an assignment of his property, or any part thereof, or deed of trust or other conveyance of the same for the payment of his debts, or if his property or any part thereof is seized under any attachment or other judicial process, or if he shall have removed or be about to remove out of the city, or shall have removed or be about to remove his personal property out of the city, or if the estate of decedent is or becomes insolvent and any taxes levied or assessed against any such person or estate shall be unpaid in any part, then in any or either such case, said taxes shall forthwith become and be due and delinquent, notwithstanding any and all provisions to the contrary in this charter elsewhere contained, and if the said property be not in the custody of the officer of some court, the city assessor and collector of taxes shall proceed at once to seize and sell enough of said personal property whereever it may be found in this State to pay the taxes owing, with all accrued penalties, interest, costs and expenses, and if the property is in the custody of any officer of court, then and in every such case the lien shall follow such property, and the taxes, penalties, interest, costs and all expenses shall be paid by such officer out of the proceeds of said property, and if he shall fail to pay the same he shall be liable therefor, or if the property be not sold by the officer holding the same, then upon its release by such officer the assessor and collector of taxes shall at once seize and sell enough thereof to pay said taxes, penalties, interest, costs and expenses.

SEC. 110. On and after the first day of January of each year the city assessor and collector of taxes shall attend in person or by deputy at his office, and shall keep said office open from the hour of eight o'clock in the forenoon until six o'clock in the afternoon in every week day, up to and including the 15th day of May, and shall receive the list of property delivered to him, and he shall at all times keep on hand and furnish to persons lawfully requiring the same all necessary blanks and forms for list and statement required by this charter, but no default of said assessor and collector of taxes, in performing the duties incumbent upon him under this section, shall have any effect to invalidate any assessment or proceeding had in or about the levy and collecting of taxes for said city.

SEC. 111. It shall be and is hereby made the duty of every person, copartnership, joint stock association, and corporation owning, holding, or having under his, their or its control, any personal property subject to taxation for municipal purposes for any year to deliver to the city assessor and collector of taxes at his office on or before the 15th day of May of such year a true and complete list thereof, with the actual cash value of such property, and of each item thereof; and the city council shall by ordinance prescribe the form of said list, which form shall thereafter be followed in all renditions of personal property, and until the form of such list shall have been prescribed by the city council, the city assessor and collector of taxes shall use such form or forms as he may deem proper.

SEC. 112. The assessor and his deputies shall be authorized to administer oaths and affirmations, and shall require all persons to verify by

affidavit all lists made by them, and may also examine upon oath any person touching the personal property for which he is liable to be assessed, or the value thereof, and may, by a notice delivered to any person, or left at his residence, office or place of business, require such person within five days to deliver to him at the assessor's office any list or statement necessary for the purpose of making the assessment and to verify the same by affidavit, and any person failing or refusing to verify such list when thereto requested by the assessor to be examined, or answer on oath regarding his property and merchandise when thereto requested by the assessor, or to deliver and verify such list and statement when notified by the assessor so to do, shall forfeit to the city the sum of one hundred dollars to be recovered in an action therefor, in the name of the city, to be instituted by the city attorney in any court of competent jurisdiction, and the assessor shall assess such person according to the best information he can get.

SEC. 113. The city council shall have power by ordinance to provide for the assessment of the property and shares of capital stock of corporations, companies, banks and other like institutions, and of their notes and bills receivable, and to determine when taxes shall be paid by corporations, and when by the individual shareholder, but until provision is made by said council, the property and shares of such corporation, companies and banks shall be assessed and taxed in the same manner as is now provided by the laws of this State for State and county taxes.

SEC. 114. It shall be the duty of the city assessor and collector of taxes between the 1st day of January and the 30th day of May of each year, to make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in said city on the 1st day of January of each year, and not by law exempt from municipal taxation, and also a list of all national banks and other corporations whose capital stock is liable to taxation, with the cash value of the shares of stock of each corporation, and the names of the owners thereof. All real estate listed and assessed shall be returned in the book or books separate from those in which personal property is listed and assessed, and the assessor may make as many books as may be necessary for conveniently handling, but no real estate shall be listed, assessed or returned in any book containing a list or lists of personal property. Each book shall contain blank columns appropriate and suitable for the extension of all taxes therein, and the list and assessments shall be certified, verified and returned as hereinafter provided. But the failure of the said assessor and collector of taxes to make or return any list and the assessment within the time or in the manner herein provided, shall not affect or invalidate the assessment or any proceeding had in levying or collecting for said city, or in selling property for such taxes, or the title taken by any purchaser at any such sale.

SEC. 115. The city assessor and collector of taxes shall return in tabular form on his book or books for the assessment of real estate each parcel of real estate subject to taxation, with such a description thereof as would be sufficient in a conveyance of such parcel of land between individuals, and with the statement of the value thereof so far as he finds it reasonably practicable. Said assessor and collector of taxes shall list said real estate in numerical order as to lots and blocks, and shall place in a separate column the value attached by him to each lot, tract

or parcel listed by him. When any property is not laid off in lots or blocks by some duly recorded plat, the assessor shall describe the same by any pertinent description and for the purpose of securing the same he may, but shall not be compelled to, require the owner thereof to furnish such description, and it is hereby made the duty of all owners of property not so laid off of record into lots or blocks, to furnish said assessor and collector a sufficient written description thereof within not less than fifteen days within the time fixed by this charter for the return of the assessment list and books to the city council, and in case any owner shall fail to furnish such description within the time aforesaid, said assessor and collector may require the city engineer to make and return to him a survey of such property, or he may use any other means he may think proper to obtain such description, and in any such case no assessment shall be invalid or in any wise affected, nor shall any objection be made to the title or right of any purchaser at a tax sale because the said property is not separately assessed.

SEC. 116. The city assessor and collector of taxes shall not be required to make separate assessments of undivided or joint, common or conflicting interest in any real estate, but the owner of any such interest may furnish to said assessor and collector at any time before the 15th day of May of each year, and not thereafter, a written description of any parcel of land in which he has an interest less than the whole, showing the amount of his interest therein, and the said assessor and collector may thereupon assess such interest as a separate parcel, and the remaining interest as a different parcel, and proceed to fix the value of each.

SEC. 117. The omission from the tax rolls of property, whether real or personal, by law subject to municipal taxation, or the failure of the city for any cause to collect taxes for any year on any such property, shall have no effect to invalidate taxes on property listed on such rolls, nor shall any objection be made or considered to the title or right of any purchaser at a tax sale because of any omission or failure, but if the city assessor and collector of taxes shall discover that any real or personal property subject to municipal taxation for any previous year was not assessed, or for any cause escaped taxation for such year, it shall be his duty, in addition to the assessment for the ensuing year, to assess such property for the year or years in which the same was not taxed.

SEC. 118. Upon the completion of his assessment for each year the assessor shall indorse at the foot of his real estate books the following affidavit, to-wit: "I, . . . . ., do solemnly swear that I am the assessor and collector of taxes for the city of Fort Worth and that I have made a diligent effort to ascertain all taxable real estate, and value thereof, for the year . . . . ., being or situated in the city of Fort Worth, and so far as I have been able to ascertain the same are correctly set forth in the foregoing real estate assessment books." Said certificate shall be signed by the said city assessor and collector of taxes, and he shall make affidavit thereto. A similar affidavit, made applicable, however, to personal property instead of to real estate, shall be indorsed and made by said assessor and collector of taxes at the foot of his personal property book, and the said assessment books, with said affidavit indorsed thereon, shall be returned by the said assessor and collector of taxes to the city council, by delivering the same to the city secretary at his office, and said secretary shall indorse upon each of said books the day and date upon which the same were delivered to him.



SEC. 119. A board of equalization for the city of Fort Worth to be composed of three qualified voters of said city, each of whom shall be the owner of real estate subject to taxation and situated therein, shall be appointed as follows, to-wit: One by the county judge of Tarrant county, one by the judge of the district court of Tarrant county which meets first after the first week in January, and one by the city council. All of the members of said board of equalization shall be appointed in the month of January or as vacancies may occur, and they shall hold their offices for two years, and until their successors are appointed and have qualified. The board of equalization last heretofore acting for the city of Fort Worth under its former charter shall continue in office, with all the powers and subject to all the duties herein conferred, until January, 1902, when a full board shall be appointed under the provisions of this charter. The said board of equalization shall constitute a board of appeals, for the hearing of appeals and complaints of parties aggrieved by the assessment as made by the assessor, and said board shall not act upon any assessment unless appealed to by a taxpayer who complains of over-valuation, or by the city complaining of under-valuation or omission. A majority of the members of such board shall constitute a quorum for the transaction of business, and said board shall assemble for the purpose of hearing complaints regarding the assessment rolls of any year, upon the third Monday in June of that year, and shall continue in session, adjourning from day to day, and from time to time, until all business coming before them shall have been disposed of.

SEC. 120. In case of an appeal by the city from any assessment made by the city assessor and collector to the board of equalization, the city secretary shall issue notice in writing to the owner or owners, or their agents, if non-residents, of the property on account of the assessment of which the appeal is taken, of the date and place at which such appeal will be heard, at least five days before such hearing, and such notice shall be served by any policeman.

SEC. 121. The city secretary shall deliver the assessment books to the board of equalization on the first day of the first session of said board, or as soon thereafter as may be practicable. Any person aggrieved by any act of the assessor and collector of taxes in making up the assessment, may make his complaint or appeal to the said board orally or in writing, and the said board shall hear and determine the same summarily, and may examine the person appealing, and any other person on oath touching the matters complained of and may compel the attendance of witnesses and the production of books and papers. Appeals by the city may be presented by the assessor and collector of taxes and by any other officer or agent designated by the city council. If the board shall find any error in any assessment complained of, they may order the same to be changed and corrected. The assessor and collector of taxes shall attend all sessions of the board, and make such corrections on the assessments as may be ordered by the board. Corrections shall not be made by erasures or interlineations, but by a brief separate memorandum, to be entered on the assessment by the assessor.

SEC. 122. The hearing of complaints and appeals for the current year shall be concluded not later than the 1st day of September of that year, and at the first meeting of the city council held after that date, or as soon thereafter as is practicable, the city assessor and collector of

taxes shall present to the city council the corrected assessment and an abstract or summary thereof, showing the gross amount of valuation of real estate and personal property subject to municipal taxation, upon which said city council shall proceed, by ordinance, to levy taxes for the current year.

SEC. 123. The action of the board of equalization shall be final in all cases, unless an appeal is taken therefrom to the district court of Tarrant county, Texas, which may be done by any person, or the agent or attorney aggrieved by the action of the board, by giving notice in writing to said board of such appeal and the grounds thereof, within ten days after the final approval of the assessment rolls by said board, and giving bond, payable to the city, to be approved by the said city assessor and collector of taxes, in the sum of fifty dollars, conditioned that the appellant will pay all costs of such appeal if the action of the board of equalization should be sustained by the court, or if the valuation of the property of such appellant should be raised over the amount at which it stands assessed. A copy of such bond and such notice of appeal, and a description made by the assessor and collector of taxes, of the property of appellant involved therein shall be filed in said district court by the assessor and collector, on the application of the party aggrieved, and the case shall be docketed upon the civil docket thereof in the name of the appellant as plaintiff, against the board of equalization of the city of Fort Worth as defendant, and all such appeals shall be presented to the first term of the district court after notice of appeal is given, and shall take precedence for trial of all civil cases in said court, and the decision of the district court in such matters shall be final; provided, however, that if such appeal has not been finally adjudicated by the 31st day of December of the current year, it shall be the duty of the appellant to pay all of said taxes assessed by the board of equalization against him, and in case he fails to pay said taxes by said time said appeal shall be dismissed and the action of said board of equalization held to be final. But in the event the appellant pays all taxes assessed against him by the board of equalization on or before December 31st of such current year, then and in that event, if the court shall on final adjudication, place a valuation upon appellant's property lower than the valuation placed by said board of equalization, the amount of taxes paid on the valuation which is found to be in excess of the valuation fixed by the court, shall be refunded to him by warrant, drawn by order of the city council; and said district court shall compel the issuance and payment of such warrant. The lists of property and the value thereof as settled by the board of equalization, or a copy of so much thereof as may be pertinent to the questions at issue, may be produced in court to be read in evidence on such trial.

SEC. 124. Immediately after the passage and approval, or taking effect without approval, of an ordinance levying a tax for any year, the city secretary shall deliver a corrected assessment for such year to the city auditor, with a certified copy of the ordinance levying the taxes for that year, and the assessor and collector of taxes, under the supervision of the auditor, shall forthwith proceed to extend the taxes for the year upon the assessment books, in appropriate columns to be left therein for that purpose and shall also extend upon said books the amount of taxes for any previous year or years against any property returned as untaxed

for such previous year or years. In extending taxes upon personal property, it shall be sufficient to extend the same upon the gross amount assessed against the person, but taxes upon real estate shall be extended upon the value affixed to each separate parcel. After all taxes have been so extended, the gross amount shall be footed up of all taxes as shown by the books upon real estate, and the gross amount of all taxes upon personal property, and of all taxes for previous years for which property was untaxed, and such footing shall be entered in said books, and the assessor and collector of taxes shall also enter therein his certificate to the effect that the taxes in said books are truly and correctly extended and entered according to the assessment of the property and the tax levy ordinance for the current year; and the auditor shall approve the same and shall thereupon deliver said books to the city assessor and collector of taxes, who shall execute his receipt therefor, showing the gross amount of taxes contained in said books, and the amount of taxes of each separate class, which receipt the auditor shall safely keep in his office.

SEC. 125. No demand for taxes shall be necessary, but it is hereby made the duty of every person subject, or owning property subject to taxation, to attend at the office of the assessor and collector of taxes, unless otherwise provided by ordinance, at some time between the first day of October of the current year and the first day of January of the year following, and pay his taxes, and if anyone neglects to pay such taxes before said first day of January following the levy, said taxes shall be delinquent and shall bear such penalty as may be provided by the city council by ordinance, but such penalty shall not exceed two per cent on the amount of such delinquent taxes for each and every month and part of month during which said taxes continue delinquent and unpaid, and the assessor and collector of taxes shall continue to receive taxes, with lawful penalties and costs added, after said taxes shall have become delinquent, until collected by seizure and sale. And the city council may allow rebates at a rate not to exceed one per cent a month on taxes paid before the maturity thereof.

SEC. 126. The city assessor and collector of taxes may receive taxes on parts of any lots or parcels of real property, or on an undivided interest therein, but no such taxes shall be received until the person tendering the same shall have furnished to said assessor and collector a particular description of the part or interest on which payment is tendered, and the assessor and collector shall enter such specification and the name of the person paying, at its proper place in the assessment books, so that the part or interest on which payment has been made, and the part or interest on which taxes remain unpaid, may clearly appear.

SEC. 127. The city council shall adopt rules and regulations to govern the giving of tax receipts by the assessor and collector of taxes, and shall approve assessment sheets, and fix and determine in what manner the auditor shall check and regulate the accounts of such assessor and collector.

SEC. 128. If any taxes on personal property shall be suffered to become delinquent, the city assessor and collector of taxes shall proceed at once to make the same by the seizure and sale of the property on which such taxes were levied, or of any other personal property belonging to the same owner, and not exempt by law, and the tax books shall be suffi-

cient warrant for such seizure and sale. All goods and personal property seized by said assessor and collector shall be kept by him at the cost and expense of the delinquent owner; and said assessor and collector shall give notice of the time and place of sale, and of the sale, and of the property to be sold, within five days after seizure. Notice shall be given by posting written or printed notices for not less than five consecutive days prior to the day of sale, at three public places in the city of Fort Worth, and the time of sale shall not be more than fifteen days from the date of the seizure. Sale shall be made by public auction, to the highest bidder for cash, and no period shall be allowed for redemption of any property so sold. The city assessor and collector of taxes may appoint one or more deputies to aid him in the speedy collection of delinquent taxes, and any person resisting or impeding said assessor and collector, of any of his deputies, in the performance of any of the duties required of him or them by the provisions of this section, shall be liable to be fined in any sum not exceeding one hundred dollars.

The assessor and collector shall be allowed fees for the seizure of personal property for delinquent taxes, and for keeping the same in custody, and for preparing and posting notices of the sale thereof, and for selling such property and executing to the purchaser proper bills of sale, and the city council shall by ordinance fix the amount of such fees, which shall not exceed the amount allowed to sheriffs for like service, under execution from a court of record.

SEC. 129. The city council shall provide by ordinance for settlement with the assessor and collector of taxes for delinquent taxes on personal property which said assessor and collector has been unable to collect, and for delinquent taxes on real estate sold for taxes to the city, or otherwise remaining uncollected without fault on part of said assessor and collector.

SEC. 130. On the first Monday in September of each year the assessor and collector of taxes shall begin, and from day to day, excepting only such days as are legal holidays, shall continue to offer for sale, and to sell at public auction, at the door of the court house of Tarrant county, all real property on which any taxes then remain due and unpaid, and such sale shall be made for the total amount of taxes, penalties and costs due and unpaid on such real property. Notice of the sale of real property for city taxes shall be given by publishing the same once in some daily newspaper published in the city of Fort Worth, and such publication shall be made not less than ten nor more than twenty days before the day on which sale begins. The notice shall state the time and place of sale, and shall contain a description substantially of the property as is contained in the tax book of the separate parcels of land to be sold, and of the amount of taxes thereon, and of the amount of penalties and costs accrued against each such parcel. The city assessor and collector shall charge and collect, in addition to the taxes and penalties on each lot, tract or parcel of real estate advertised for sale, a sum representing as near as practicable the proportional cost of publishing such notice of sale, and he shall carefully examine and correct the proof of said notice, and obtain a copy of the paper containing said notice, together with a certificate of the due publication of the same, from the manager or publisher of the newspaper in which the same was published, and shall file the said copy and certificate in the office of the city auditor,

and said certificate shall be in such form as said auditor may prescribe, after advising with the city attorney. Said assessor and collector shall also charge one dollar for each and every tax deed executed, acknowledged and delivered under the provisions of this charter, but the cost of said deed must not be included in the aforesaid advertisement, and no charge shall be made for the same unless it be actually executed and acknowledged. If the purchaser so requests, any number of lots or parcels of real estate bought by said purchaser may be included in one tax deed, and in every case the purchaser shall pay an additional fee of ten cents for every additional lot or parcel included in said deed.

SEC. 131. On each day of sale, the city assessor and collector of taxes shall offer for sale at public auction at the door of the court house of said Tarrant county, in said city, each separate tract and parcel of land advertised for sale, on which the taxes, penalties and costs have not been paid, beginning at the hour of ten o'clock a. m. and continuing, with such intermissions as said assessor and collector may think proper and advisable, to the hour of five o'clock p. m., and said assessor and collector of taxes may adjourn or continue said sale from day to day, excepting only such legal holidays as may intervene, until all the taxes have been paid, or all the real property sold. The person who offers to pay taxes, penalties and costs on any separate tract or parcel of real estate for the smallest portion of same, shall be considered the successful bidder therefor, and the purchaser thereof, and the amount of every successful bid shall be paid at once in cash, and upon failure so to pay such amount, the said tract or parcel of real estate shall be again at once offered for sale, as if no sale had been made. The person who will pay taxes, penalties and costs for the least number of feet or inches in width, beginning at and calculated from the most southerly boundary line of the tract or parcel of real estate offered for sale, shall be taken and held to be the purchaser for the smallest portion of such tract or parcel, and all bids for less than the whole tract or parcel shall be made in feet and inches, to begin and be calculated as aforesaid.

SEC. 132. If any tract or parcel of land cannot be sold for the amount of taxes, penalties and costs thereon, the same shall be struck off to the city for that amount, and the city assessor and collector of taxes shall make a record in a proper book or books of all sales of real estate for taxes, penalties and costs, describing as in the tax books, each separate tract or parcel of real estate sold, and stating the amount of taxes, penalties and costs thereon, and showing how much and what part of such tract or parcel was sold and to whom sold, and the date of sale. Sales may be made and tax deeds executed by the city assessor and collector of taxes either in person or by deputy, and the rights and interests conveyed by any such tax deed may be sold, conveyed and transferred in the same manner as is provided by law in the case of the sale, conveyance or transfer of any other interest in land.

SEC. 133. Upon the payment of the amount of taxes, penalties and cost therein, the said assessor and collector of taxes shall execute, acknowledge and deliver to the purchaser a deed for the tract or parcel of real estate, or portion of such tract or parcel to such purchaser, and said deed, which shall be styled and designated a "tax deed," shall vest in the grantee therein named an absolute estate and title in fee simple to the property thereby conveyed, free from any and all incumbrances, of

whatsoever kind and nature, and subject alone to all unpaid taxes, which are a lien thereon, and to the right of redemption as hereinafter provided, and said tax deed shall be, and shall be taken and held in all courts and in all suits and controversies to be presumptive and prima facie evidence of title in the said grantee, and in those holding under him, subject alone to the aforesaid lien for unpaid taxes and right of redemption, and in all suits and controversy as to the right, title, or any interest of the grantee in any such deed, or the heirs or assigns of any such grantee, said deed shall be admitted and received and shall be taken and held as presumptive evidence that said grantee, his heirs or assigns, have an absolute estate and title in fee simple in and to the premises and property conveyed by such deed, subject only to the right of redemption, and to the lien for unpaid taxes, if any, and no such deed shall ever be defeated, unless the person claiming adversely thereto shall first prove by legal evidence, to the satisfaction of the court or jury, that he or some one whose right and title he has legally acquired had title at the time of the assessment to the land or real estate conveyed by said deed; and until proof shall also have been made that said land or real estate was not subject to taxation at the date for which the assessment and levy under which sale was made relate; or that the taxes were paid before the sale; or that the land was never listed or assessed for the taxes for which it was sold; or that said land was redeemed within two years after sale, or that redemption was tendered within said period, under the provisions of this charter; and in case of a tender of redemption, the tender must be made good in court; and in case of redemption or tender of redemption, it must further appear that the same was made or tendered for the use or benefit of some person having the right of redemption under this charter; and no failure or default in any other respect than as is in this section expressly specified, shall invalidate or in any wise affect any tax deed executed by said assessor and collector of taxes; or the right, title or interest of grantee, his heirs and assigns thereunder. Every tax deed executed under the provisions of this charter shall be filed for record in the office of the county clerk of Tarrant county, Texas, within not to exceed six months after the date of sale, or the same shall become and be null and void.

SEC. 134. The owner of real estate sold for taxes, his heirs or assigns or legal representatives may, within two years from the date of sale and not thereafter, redeem the estate and premises sold, by paying or tendering payment to the purchaser, his heirs, assigns, or legal representatives, of double the amount of money paid for land, and in case where sales have been made to the city, redemption may be made by paying the amount required to redeem as aforesaid to the city assessor and collector of taxes, who shall issue a redemption receipt therefor, which receipt shall not be valid or admissible in evidence until it shall have first been countersigned by the city auditor.

SEC. 135. Tax deeds executed under this charter where redemption has not been actually made under the provisions hereof, can be avoided only by some action, plea, interplea or cross bill, showing facts sufficient to avoid such tax deed and praying for its cancellation, and all suits and proceedings, whether by petition, intervention, answer, cross bill or in any other manner whatever, purposed or intended, to defeat or avoid any such tax deed, or to defend against the same or any irregularity, defect

or default in such deed, or in any preliminary thereto, or in any proceeding from the assessment to the sale and execution of such deed or for any other matter or thing affecting the validity of such deed, or the title and right vested in the grantee thereunder, shall be commenced within three years from the time of the filing of such deed for record, and not thereafter. And any person filing a tax deed for record shall be taken and held to have set up such a claim of title to the real estate described in said deed and to have such apparent title thereto, as will enable any person claiming to own said real estate to maintain an action for the cancellation of said tax deed, and said tax deed, when offered, shall be admitted and received in evidence without further proof to sustain said deed or the right, title and interest thereby conveyed.

SEC. 136. If any unredeemed tax deed be held void or of no effect to convey the real estate described therein or the interest in such real estate, which such deed purports to convey, the grantee in such deed, or his heirs, assigns or legal representatives, as the case may be, shall nevertheless be held to be subrogated to the right and liens of the city against the said real estate, and the owner thereof, and shall recover against said owner twice the amount of all taxes, penalties and costs paid to the city for such tax deed, with interest thereon from the date of such payment at the rate of eight per centum per annum, and with a foreclosure of a first and prior lien upon said real estate and an order for the sale thereof.

SEC. 137. Each assessment, land tax book, personal tax book, notice, advertisement, deed, paper and document of every nature and description, made or executed under or pursuant to this article, shall be liberally construed to affect the purposes and objects of this article, and in determining the validity thereof. No error or irregularity in any assessment, land tax book, personal tax book, notice, advertisement, deed, paper or document aforesaid, relating to the assessment, levy or collection of the taxes of the city, shall in any manner affect or impair the validity of any tax or of any sale or other proceedings for their collection. This charter shall be taken and held to be a full and sufficient notice of all acts and proceedings for the assessment, levying and collecting of taxes of the city of Fort Worth.

SEC. 138. If any real estate conveyed by any tax deed is held adversely to the grantee therein, suit under such tax deed for the recovery of said real estate shall be commenced within five years next succeeding the date of sale and not thereafter.

SEC. 139. No license or permit shall ever be granted by the said city, or by the city council, to any person, firm, joint stock association or corporation to sell spirituous, vinous or malt liquors or any other intoxicating beverage at retail within two hundred feet of any public school building in said city.

SEC. 140. The city council shall also have and possess the following express powers, in the exercise of which their judgment and opinion as expressed in any ordinances passed and adopted by them shall be final and conclusive; towit: to license, tax and regulate hackmen, draymen, omnibus drivers, baggage wagon drivers, and drivers and owners of vehicles of every kind, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and make it a misdemeanor for any person to attempt to defraud them of any legal charge

for services rendered; and to provide and regulate stands for vehicles, and to prohibit the standing of such vehicles at other places; and regulate, license and restrain runners for railroads, vehicles of any kind, hotels, public houses of any kind, or other business of any kind. To restrain and prohibit the selling or giving away indirectly, to evade a tax or penalty, of intoxicating or malt liquors by any person within the city, except by persons duly licensed. To forbid or punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or habitual drunkard; to close drinking houses, saloons, barrooms, beer saloons and all places or establishments where intoxicating or fermented liquors are sold, on Sundays, also all places of amusement and business. To restrain and prevent the sale, bargaining or giving away of any intoxicating liquors in any houses or place where any theatrical or dramatic representation is given; to restrain and prevent the same from being brought in or to such places under any pretext whatever. All rooms or buildings or apartments of any kind inside the rooms where such representations are given, or being a part of it, or joining or connecting therewith by any door or doors, dumb waiter or opening of any kind, shall be held to be within the places inhibited by this section.

To prevent and punish the keeping of houses where indecent, lewd or immodest theatrical representations are given, or houses of prostitution within the city, and to adopt summary measures for the removal or suppression of all such establishments. To prevent all trespasses, breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, obscene and profane and insulting language, misdemeanors and all disorderly conduct, and to punish all persons thus offending. To suppress and prevent any riot, affray, noise, disturbance or disorderly assembly in any public or private place in the city. To prohibit and restrain, or to regulate the firing of firecrackers, guns and pistols, or the use of velocipedes or bicycles or of any pyrotechnic or other amusements or practices tending to annoy persons passing in the streets or sidewalks, or to frighten horses or teams. To restrain and prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, practices and performances tending to the collection of persons on the streets and sidewalks by auctioneers and others for the purposes of business or amusement or otherwise. To regulate, restrain and punish mendicants, street beggars and prostitutes. To prevent, prohibit and suppress horse racing, immoderate or careless riding and driving in the streets. To prohibit and punish the abuse of animals and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing or remaining in the streets. To prevent, regulate and control the driving of cattle, horses and all other animals into or through the city. To establish and regulate public pounds and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats and all other animals, and to authorize the distraining, impounding and sale of same for the cost of the proceeding and penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners thereof for a violation of any ordinance relating thereto.

To require pawnbrokers, dealers in second-hand goods, wares and merchandise of any kind, and junk dealers, to keep a book in which shall be entered in ink a minute description of every article purchased by or



pawned with such pawnbroker, dealer in second-hand goods, or junk dealers, including the number of such article, if the same bears a number, and the name of the person from whom such article was purchased or received in pawn, and the hour of the day and the date of the same, which book shall be subject to inspection at all times by the marshal and deputy marshal and any policeman of said city and to any sheriff and deputy sheriff or constable or deputy of Tarrant county, and to provide adequate penalties for the failure to keep such book or to submit the same to the inspection of such officers.

To require the street car companies or other owners of street car tracks or railroad tracks in said city occupying or using any street, alley, avenue or other highway or any public ground within the said city, or operating or maintaining tracks for its street cars or other cars thereof shall keep in repair to the entire satisfaction of the city engineer and of the city council of said city the streets, alleys, avenues, highways and public grounds or the parts thereof occupied or used by said company or person for tracks as aforesaid, and three feet on each side of the outer rail of each such track, and where there are double tracks the street between such tracks shall also be kept in repair by the company or person maintaining or using such double tracks. To tax, regulate or restrain and prohibit the running at large of dogs, and to authorize their destruction when permitted to run at large contrary to ordinances, and to impose penalties on keepers thereof for violation of such ordinances. To establish or erect or cause to be established markets or market houses. To designate, control and regulate market places and privileges; to inspect and determine the mode of inspecting meat, fish, vegetables and all produce and every article and thing therein brought for sale. To license, tax and make such rules and regulations in relation to butchers as they deem necessary and proper. To regulate the inspection of beef, pork, flour, meal, salt, milk, oleomargarine and other provisions, whisky and liquors to be sold in barrels, hogsheads and other vessels and packages; to appoint weighers, gaugers and inspectors and prescribe their duties and regulate their compensation. To regulate the weight and quality of the bread to be sold or used within the city. To establish a free library, and to adopt rules and regulations for the proper management thereof, and to appropriate such part of the revenue of the city for the management and increase of such free library as the city council may determine. To create, establish and regulate the police of the city, to appoint watchmen and policemen on recommendation of the city marshal, and to prescribe their duties and powers and compensation. To erect and establish one or more work houses or houses of correction within or without the city limits, make all necessary rules and regulations therefor and appoint all necessary keepers or assistants. In such work houses or houses of correction may be confined all vagrants, stragglers, idlers, suspicious or disorderly persons who may be committed by the recorder; and any person who shall fail or refuse to pay the fine, penalty or cost imposed for any misdemeanor or breach of any ordinance of the city may, instead of being committed to jail, be kept therein, subject to hard labor and confinement. To compel and force all offenders against any of the ordinances of the city found guilty by the city judge and sentenced to pay a fine, who shall fail or refuse to pay such fine and all costs and penalties, to labor on the streets or alleys of the city, or on

any public works, under such rules and regulations as may by ordinance be established. The city council shall also have power to prohibit or regulate the carrying of firearms and deadly weapons upon or about the person within the said city, and to restrain or prohibit all games of chance and to prohibit betting at games or the keeping or exhibiting for the purpose of game any gaming table, bank or device of any kind whatever.

The city council may also compel the consumption of smoke and may enforce by fine all such rules and regulations as in its judgment may be necessary to prevent the escape of smoke and steam in such manner or in such quantity as will be deleterious or injurious to the health or comfort of the inhabitants of said city, and said city council may also regulate and direct the size, construction and maintenance of boilers, smoke flues, chimneys, smokestacks and all other contrivances for the escape of smoke, and may prescribe the height thereof, and may regulate the escape of steam and may fix rules and regulations governing the same, and may enforce such rules and regulations by a fine not to exceed \$200.00 for each and every offense.

SEC. 141. Whenever in the opinion of the city engineer or the city council, any building, fence, shed, awning or any structure of any kind, or any part thereof, is liable to fall down and endanger persons or property, said city engineer or city council may order any owner or agent of the same, or any owner or occupant of the premises on which such buildings, shed, awning or other structure stands or to which it is attached, to brace and support or to take down and remove the same or any part thereof within such time as may be directed, and the city council may provide by ordinance for punishing by fine any neglect, failure or refusal to comply with any such order.

The city council shall in addition have the power to brace and support or to remove any such structure at the expense of the city on account of the owner of the property or premises and assess the expense on the land on which it stood or to which it was attached, and shall by ordinance provide for such assessment, the mode and manner of giving notice, and the means of recovering such expense.

SEC. 142. The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations not contrary to the Constitution of this State, for the good government, peace and order of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this charter in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fine, penalties and costs; but no fine or penalty shall exceed two hundred dollars; and for any fine, penalty and costs imposed by the recorder in the trial of any cause or complaint before him, execution may issue to collect such fine, penalty and costs, to be levied and executed in the same manner that execution is levied from the district or county court. The same shall be issued by the recorder to the marshal, who, in levying on the property and selling, shall have like power and authority as the sheriff in execution issued from the district or county court, and the laws of the State, so far as applicable, shall apply to and be in full force and effect as to the execution issued from the corporation court in Fort Worth, and any person

upon whom any fine or penalty is imposed may be committed until the payment of the same with costs, and in default thereof may be imprisoned in the city prison or work house or house of correction, or may be required to work on the streets or other public work of the city for such time and in such manner as may be provided by ordinance or by law.

SEC. 143. The style of ordinances shall be, "Be it ordained by the city council of the city of Fort Worth," but it may be omitted when published in the form of a book or pamphlet.

SEC. 144. Every ordinance imposing any fine or penalty for forfeiture for violation of its provisions, shall, after the passage thereof, be published in every issue of the official paper for ten days, and affidavit of such publication by the printer or publishers of such paper taken before any officer authorized to administer oaths and to file with the secretary, shall be conclusive evidence of such publication; provided, that any other competent evidence may be received to establish the fact of publication. Ordinances requiring publication shall be enforced after ten days publication; provided that the same shall be published for a longer time if therein expressly provided. Ordinances not requiring publication, (and none shall require publication but those imposing some fine, penalty or forfeiture), shall take effect from and after passage, unless otherwise expressly provided. Revised or digested ordinances published in pamphlet form by authority of the city council need not be published in any newspaper, and the publication in pamphlet form of such ordinances shall be held and taken as a sufficient publication, even though ordinances, or any of them, impose a fine, penalty or forfeiture.

SEC. 145. All ordinances of the city published in book or pamphlet form shall be presumed to have been published by authority of the city council, and shall be admitted in evidence in all courts and places without further proof, and copies of ordinances, resolutions and proceedings of the city council, certified by the city secretary to be true copies, with the city seal affixed, shall also be admitted in evidence without further proof, in all courts and in all matters where the original would be admissible.

SEC. 146. All ordinances, resolutions, rules and regulations of said city not repealed at the time of the taking effect of this law, and not in conflict herewith, are hereby recognized as valid and binding, and shall be and remain in full force until altered, amended or repealed by the city council after this law shall take effect.

SEC. 147. The city council shall have power to remove any officer for incompetency, corruption, misconduct, habitual drunkenness, or malfeasance in office, after due notice and an opportunity to be heard in his defense; provided, that two-thirds of the aldermen elected shall vote for said removal. In addition to the foregoing power by removal, the city council shall have power at any time to remove any officer elected by them by resolution declaratory of its want of confidence in such officer; provided, that two-thirds of the aldermen elected vote in favor of said resolution.

SEC. 148. Any officer intrusted with the collection or custody of funds belonging to the city, who shall be in default to the city, besides being liable to criminal prosecution, and a civil action for debt, shall thereafter be incapable of holding any office under said city until the amount of his defalcation, with eight per cent interest per annum, have

been fully paid. And in case such defalcation has been paid by the bondsmen of such officer, then until he shall have fully paid and settled with his bondsmen and shall have filed his affidavit with the city secretary stating such payment and settlement.

SEC. 149. Resignations by any officer to be elected or appointed under this law shall be made to the city council in writing, subject to their approval and acceptance; provided, that no officer shall be released from the duties and responsibilities of his office until his successor has been chosen and qualified.

SEC. 150. Whenever any person shall be removed from any office, or his term shall expire or he shall resign, or for any reason he shall cease to act in his official capacity, he shall deliver over to his successor all books, papers and effects in any way appertaining to his office. In case of his failure or refusal to do so upon demand from his successor, he shall be deemed guilty of a misdemeanor and be fined in any sum not exceeding two hundred dollars, after complaint and trial before the corporation court.

SEC. 151. No member of the city council shall hold any other office under the city while he is a member of the city council, unless herein otherwise provided, and no member of the city council nor any other officer of the city shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is to be paid by the city, nor shall any such member be surety of any person having any contract, work or business with the city, for the performance of which surety may be required, or surety on the official bonds of any officer of the city.

SEC. 152. Each alderman shall receive a salary of four dollars for each regular and two dollars for each called or adjourned meeting of the city council.

SEC. 153. Each alderman shall be fined three dollars for each meeting he fails to attend, unless absent on account of his own sickness or that of members of his family. Any member remaining absent from three regular meetings of the board, unless prevented by sickness, or the sickness of the members of his family, without having first obtained leave of absence at a regular meeting, shall be deemed to have vacated his office, and the vacancy shall be filled as other vacancies in the office of aldermen.

SEC. 154. The city council shall have power to prescribe the duties of all officers and persons appointed by them or elected to any office or place whatever, subject to the provisions of this law, and to remit in whole or in part on such conditions as may be deemed proper, by a vote of two-thirds of the members present, any fine or penalty or cost belonging to the city.

SEC. 155. It shall not be necessary, in any action, suit or proceeding in which the city of Fort Worth shall be a party, for any bond, undertaking or security to be executed in behalf of the city, either in a trial court, or on appeal or writ of error or certiorari; but all such actions, suits and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and for all the purposes of such actions, suits and proceedings the city shall be liable in the same manner and to the same extent as if the bond, undertaking or security in ordinary cases had been duly executed.

SEC. 156. Before the city of Fort Worth shall be liable for any damage of any kind, the person claiming damages, or some one for such person, shall give to the city secretary or mayor notice in writing of such injury within not to exceed thirty days after the same shall have been received, stating in such notice when and how the injury occurred, and the cause and extent thereof, and the city shall not be liable unless notice shall have been given within the time and in the manner herein provided.

SEC. 157. The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds or property belonging to said city in the hands of any person be liable to garnishment on account of any debts it may owe, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment.

SEC. 158. The cemetery lots which have been or may hereafter be laid out and sold within said city for private places of burial shall, with their appurtenances, be forever exempt from taxes and forced sales.

SEC. 159. All property, real and personal, belonging to the city of Fort Worth, is hereby vested in the corporation created by this act, and the officers of said city now in office shall continue to exercise the powers, functions and duties and to receive the emoluments and compensation herein prescribed until they shall have been severally superseded by the election or appointment and qualification of their respective successors as herein provided.

SEC. 160. All suits, taxes, penalties, fines, forfeitures and other rights, claims and demands which have accrued under the laws heretofore enforced governing said city, shall belong to, and be vested in, and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall be in no wise affected by the passage, adoption and taking effect of this act and charter.

SEC. 161. The ordinances of said city which are of a general nature shall be revised, digested and published under the direction and supervision of the city council within not to exceed five years after this act shall have taken effect, and a like digest shall be made and published at the expiration of every period of ten years thereafter, and it is also made the duty of the city council to cause to be printed in pamphlet form at end of each calendar year all ordinances, general and special, passed and adopted during said year.

SEC. 162. This act shall be taken and held to be a public law, and all courts and tribunals shall take judicial cognizance and knowledge of the contents and provisions hereof, and it shall not be necessary to plead or prove such contents or provisions.

SEC. 163. Whenever any person or persons shall offer himself or themselves as a surety, or as sureties upon any bond or contract of indemnity to the city, they shall, if thereunto requested by the city council, appear before said council and make satisfactory proof of their sufficiency as such sureties, and the opinion and judgment of the said city council upon the sufficiency of any such surety or sureties shall be final and conclusive, and shall not be subject to review by any court or tribunal, or in any proceeding of any character whatever. And said city council shall have the right to require at least one surety on any or all bonds so presented to be a guaranty or surety company authorized to do business in this State.

SEC. 164. "The special act of the Legislature of Texas entitled "An Act to incorporate the city of Fort Worth, and to grant a new charter to said city," approved May 9, 1899, and all other laws and parts in conflict with the provisions of this act are hereby expressly repealed.

SEC. 165. Whereas, there are no adequate laws now in force providing for the paving, repaving, improving and repairing of the streets and sidewalks of the said city of Fort Worth, and said city has defaulted in the payment of interest on its bonds because of an inadequacy of the revenue derived from taxing to meet the existing rates of interest, and there is an opportunity now to refund said bonds, or a large portion thereof, at a much lower rate of interest, which can be met by its revenues, there exists an imperative public necessity for suspending the constitutional rule requiring bills to be read on three several days, and an emergency exists which requires that this act become and be in effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 98, nays 0; and reported to the Senate, where it was amended and passed by two-thirds vote, yeas 22, nays 0; House concurred in Senate amendments by two-thirds vote, yeas 103, nays 2.]

Approved April 10, 1901.

Became a law April 10, 1901.

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### AUSTIN—GRANTING IT A NEW CHARTER.

H. B. No. 347.]

#### CHAPTER VIII.

An Act to incorporate the city of Austin, to grant it a new charter; and to fix its boundaries.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the inhabitants of the city of Austin, in Travis county, and State of Texas, residing within the territory herein described shall continue to be and are hereby constituted a body politic and corporate by the name and style of the "City of Austin," and by that name shall have perpetual succession, and shall have all the rights, property (real, personal and mixed) immunities, powers, privileges and franchises now possessed and enjoyed by said city, or herein granted, and be subject to all its present liabilities, and may have a common seal, and alter the same at pleasure, and may sue or be sued; plead or be impleaded in all courts of law and equity; may contract and be contracted with; may take, hold and convey, lease, or acquire or dispose of any property whatever for corporate purposes, within the city limits; provided, that the city shall not have power to dispose of any part of the water and light system of the city of Austin: the dam across the Colorado river owned by the city; or any property now owned or used or which may hereafter be owned or used as a part of said system, and which may be necessary or incident to the operation thereof.

SEC. 2. The boundaries of the city of Austin shall be as follows:

Beginning on the bank of the Colorado river, at the southwest corner of out lot No. 64, in Division O; thence northerly in a straight line to the northwest corner of out lot No. 16, in Division C, being the northeast corner of the Wells tract of land, northeast of the Old Fair Grounds tract; thence northwesterly with the northeast line of said Wells tract and the State Lunatic Asylum grounds and north boundary of out lot 83, Division D; thence southerly along the east side of the George W. Spear league to the northeast corner of Block 15, Division Z, being the southeast corner of the E. M. Pease tract; thence westerly with the south line of the E. M. Pease tract and north line of Blocks 15, 14, 13, 12 in Division Z, to the northwest corner of Block 12, Division Z; thence southerly along the west line of Blocks 12, 11 and 3 in Division Z, to a point on the west side of Block 3, where the south line of the R. Krause ten-acre tract intersects, which is the southeast corner of said Krause tract; thence westerly with the south lines of the R. Krause and E. M. Pease tracts to the southwest corner of the E. M. Pease tract; thence northwesterly along the division line between the George W. Brackenridge and the McDonald and Brackenridge property, to the northwest corner of the McDonald and Brackenridge 29-acre tract; thence northwesterly through the George W. Brackenridge property to a point in the north line of said Brackenridge property, and south line of William Waleh 100-acre tract, 500 yards east of a point within ten varas of the Colorado river ordinary water level; thence west 500 yards to a point within ten varas of the Colorado river ordinary water level, above the dam constructed and completed across said river; thence up the east bank of the Colorado river, with ten varas of said line so surveyed twenty-one miles by following the river; thence across said river at right angles a distance of ten varas from said water level line surveyed and marked on the west side of said river; thence down the Colorado river, within ten varas of said surveyed line, with the meanders of said river, to the mouth of Barton's creek; thence up Barton's creek, on the west side thereof, to a point due west at where the west line of the Isaac Decker league prolonged in its course northerly would intersect Barton's creek; thence easterly across said Barton's creek to the western boundary line of said Decker league; thence southwesterly with the western boundary line of said Decker league to the southwest corner lot No. 24 in Bradley's subdivision of the Goodrich estate on said Decker league, being also the northwest corner of the D. P. Kinney tract, on said Decker league; thence to the southwest corner of the H. J. Doughty tract on said Isaac Decker league; thence easterly in a straight line to the northeast corner of Mrs. E. V. Blunn's 213-acre tract, being the southeast corner of the subdivision known as Southside; thence in a northerly direction, with the east boundary line of said subdivision, and the east boundary line of John D. McCall and D. C. Stone tracts, to the center of the channel of Colorado river; thence down said river in a straight line to the place of beginning.

SEC. 3. The city of Austin shall be divided into seven wards. The first ward shall embrace all the territory of the city of Austin south of the center of the Colorado river.

The second ward shall embrace all of the following territory: Beginning at a point in the center of the bridge over the Colorado river and extension of Congress avenue, and running north with the line in the center of said Congress avenue, to a point in the center of Seventh street;

thence west with a line in the center of Seventh street to a point in the center of West avenue; thence south with a line in the center of West avenue to a point in the center of West Sixth street; thence west with a line in the center of West Sixth street, to a point in the center of Blanco street; thence north with a line in the center of Blanco street to a point in the center of West Ninth street; thence west with a line in the center of West Ninth street to a point in the center of West Lynn street; thence north with a line in the center of West Lynn street to a point due east of the northeast corner of the Texas Confederate Home property; thence due west to said corner of said property; thence with the north boundary line of said property to its northwest corner; thence south with the west boundary line of said property to a point in the center of West Sixth street; thence west with the center of West Sixth street and of the boulevard continuation thereof to a point opposite the dam; thence west to the center of the dam; thence down the center of the Colorado river with its meanders to the beginning point, in the center of said bridge over the Colorado river.

The third ward shall embrace the following territory: Beginning at a point in the center of Congress avenue at its intersection with Seventh street; thence north with a line in the center of Congress avenue to a point in the center of Nineteenth street; thence east with a line in the center of Nineteenth street to a point in the center of Lampasas street; thence north with a line in the center of Lampasas street to a point in the center of Twenty-first street; thence west with a line in the center of Twenty-first street to the center of Rio Grande street; thence south with a line in the center of Rio Grande street to the center of Nineteenth street; thence west with a line in the center of Nineteenth street to a point in the east line of the George W. Spear league; thence southward following said Spear league line, to the northeast corner of Block No. 15, Division Z; thence west to the northwest corner of Block No. 12, Division Z; thence south to the southeast corner of the R. Krause ten-acre tract; thence following the city boundary line in a westerly direction to the southwest corner of the William Walsh tract; thence down the Colorado river to the northwest corner of the second ward; thence following the north boundary line of the second ward in an easterly direction to the place of beginning:

The fourth ward shall embrace the following territory: Beginning at a point in the center of Lampasas street, at its intersection with Nineteenth street; thence east with a line in the center of Nineteenth street to a point in the center of Waller creek, to the junction of East and West Waller creek; thence north with the meanders of East Waller creek to the north boundary line of the city; thence northwest with the boundary line of the city to the northeast corner of the city boundaries; thence west with the north boundary line of the city to the northwest corner of lot No. 82 in Division D; thence south with the George W. Spear league line to a point in the center of Nineteenth street; thence with the north boundary line of the third ward in an easterly direction to the place of beginning.

The fifth ward shall embrace the following territory: Beginning at a point in the center of Congress avenue, at the intersection of Twelfth street; thence east with a line in the center of Twelfth street to the center of East avenue; thence south with a line in the center of East



avenue to a point in the center of East Eleventh street; thence east with a line in the center of said Eleventh street and its continuation, Chinca-pin street, to the east boundary line of the city; thence north with said east boundary line to a point where East Waller creek intersects said boundary line; thence south down said East Waller creek with its meanderings to the center of East Nineteenth street; thence west along the center of Nineteenth street to a point in the center of Nineteenth street and Congress avenue; thence south with a line in the center of Congress avenue to the place of beginning.

The sixth ward shall embrace the following territory: Beginning at a point in the center of Congress avenue, at the intersection of Sixth street; thence east with a line in the center of Sixth street to a point in the center of East avenue; thence south with the center of said East avenue to its intersection with the line of the Houston and Texas Central Railroad; thence with said railroad to the east boundary line of the city; thence north with the said east boundary line of the city to the southeast corner of the fifth ward; thence west with the south boundary line of the fifth ward to a point in the center of Congress avenue; thence south with a line in the center of Congress avenue to the place of beginning.

The seventh ward shall embrace the following territory: Beginning at a point in the center of Congress avenue, at the intersection of Sixth street; thence south with a line in the center of Congress avenue and the bridge over the Colorado river, a continuation of Congress avenue, to a point in the center of said bridge; thence down the center of the channel of said river with its meanders to the boundary line of the city, the northeast corner of the first ward; thence northeast with the boundary line of the city to the southwest corner of out lot No. 64, Division O; thence with the boundary line of the city to the southeast corner of the sixth ward; thence with the south boundary line of the sixth ward to place of beginning:

Provided, that for the purpose of establishing voting places for the first election held under this act, the council shall be authorized to respect the ward lines established by the ordinances of the city of Austin in force at the time of the adoption of this act.

#### ORGANIZATION AND PROCEDURE OF THE CITY COUNCIL.

SEC. 4. The city council shall consist of a mayor and a board of aldermen, who shall hold their offices for a term of two years from their installment, and until their successors are elected and qualified.

SEC. 5. The board of aldermen shall consist of fourteen members, two from each ward, who shall be residents of the wards from which they are elected. One alderman from each ward shall be elected by the qualified voters of the ward, and one alderman from each ward shall be elected by the qualified voters of the entire city. They shall possess the qualifications required by this charter for mayor. Each alderman shall receive as compensation five dollars for each regular meeting of the council at which he is present, not to exceed ten dollars per month.

SEC. 6. That if any alderman shall, after his election, remove from the ward from which he was chosen, his office shall thereupon become vacant.

SEC. 7. The city council shall be the judge of the election and quali-

fication of its members, and all other city officers, and shall determine contested elections of all city officers, made elective under this act, in such manner as may be provided by ordinance; provided, that no city officer shall be allowed to qualify, or requalify, if he succeeds himself in office, until at a session of the city council, to be held on or after the Saturday next succeeding the election, which shall in all cases occur on Monday, unless his opponent in the election, or all opponents, if more than one, shall sooner file a statement with the city clerk that he or they will not contest the election of his or their opponent, naming him. If, prior to the time of installing newly elected officers, a contest of his election is filed in writing with the city clerk, stating the grounds for the contest he shall not be installed until such contest is determined; provided, that all contested elections shall be decided within fifteen days from the date of election. The city council shall prescribe rules of procedure in cases of contest.

SEC. 8. That a majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members by arrest or in such manner and under such further penalties as they may prescribe.

SEC. 9. The city council may determine the rules of its proceedings; punish its members for a willful violation of its rules, or other disorderly behavior; and, with the consent of two-thirds of its members elected, expel an alderman, but not a second time for the same offense.

SEC. 10. The city council shall keep a journal of its proceedings, and, whenever the council may so direct the same or synopsis thereof may be published in some newspaper published in the city; but such proceedings shall not be published unless it be by direction of the city council; and any alderman shall have the right to have the yeas and nays of the members recorded in the journal of its proceedings, upon any question voted upon by such members.

SEC. 11. That upon the passage of ordinances appropriating money, imposing taxes, increasing, lessening or abolishing licenses, and of ordinances for borrowing money, the yeas and nays shall be entered on the journal, but no ordinance for borrowing money shall pass except by a vote of two-thirds of the whole council.

SEC. 12. That all ordinances and resolutions of a general character shall be read in the council on three separate days, unless two-thirds of the council elected shall dispense therewith.

SEC. 13. That a majority of the members of the whole council shall be necessary to pass an ordinance for any purpose, appropriating the sum of five hundred dollars or upwards, or for passing an ordinance in anywise diminishing or increasing the city revenues.

SEC. 14. That no city officer shall, during the term for which he is elected, hold or be eligible to any other office under the city; nor shall he during his term of office, be interested, directly or indirectly, in any contract or agreement for work to be done, or material furnished, or services to be performed, for which the city directly or through any board or commission exercising authority on behalf of the city, is to pay a consideration; or in the purchase or sale of any property by the city for any purpose whatever; and for the violation of any part of this section, the penalty shall be expulsion from office, on an affirmative vote of two-thirds of the whole board of aldermen; provided, that members of

the water, light and power commission and board of school trustees, shall be deemed city officers within the meaning of this section, as shall also all members of other boards created by or under this act.

SEC. 15. That all vacancies, except by expiration of term of office shall be filled in such manner as may be provided for by ordinance. Each alderman shall, before entering upon the duties of his office take the oath prescribed by the Constitution of the State of Texas, and that he will faithfully discharge the duties of his office.

SEC. 16. That at the first meeting of the city council after each general election and after contests of election if any there be, are disposed of, the council shall elect one of its members president of the board of aldermen, who shall hold his office for two years from the date of his election, and until his successor is elected and qualified.

SEC. 17. That the president of the board of aldermen, in case of the absence of the mayor, from a session of the council, shall act as presiding officer of the council.

SEC. 18. That in case of the death, resignation or inability to act, or absence of the mayor from the city the president of the council shall perform all the duties of the mayor.

SEC. 19. That in the absence of the mayor and the president of the council, any alderman may be elected by the members present to preside, who shall exercise all the rights of the president of the council in such cases.

SEC. 20. That the president of the board of aldermen shall vote only as an alderman.

SEC. 21. There shall be a regular meeting of the city council at least once a month, and such special meetings as the mayor and any three aldermen may deem necessary.

SEC. 22. That calls for special meetings shall state the nature of the business to be transacted at the meeting, and shall be read to each alderman to be found in the city, or if any alderman is out of the city a copy thereof left at the place of business of such alderman, as may not be seen in person, by the policeman of the city of Austin, serving the notice, who shall report in writing to the council at the hour set for the meeting, whom he has served, and how he has served such notice, and the reason for not serving each alderman in person. If it shall appear that two-thirds of the aldermen have been served personally, the council may proceed to transact the business mentioned in the call, as if all the aldermen had been personally notified of the meeting. The said notice, and the return of the officer, shall be recorded in the minutes of the meeting of the council and shall be evidence of the nature of the call, and the service of the notice thereof.

SEC. 23. That all ordinances and resolutions of a general character, adopted by the city council, and all acts of the council authorizing or making any contracts, grants or concessions whether such an act be had or passed in response to petition or proposition or in any manner whatsoever, and irrespective of form of such act, shall be subject to the veto of the mayor.

SEC. 24. The mayor may veto any one or more of the items in an appropriation ordinance, and approve the remainder.

SEC. 25. That all ordinances, resolutions and acts of the council, together with such papers as may pertain thereto shall be placed in the

office of the city clerk, and if the mayor approve thereof, he shall endorse the same "Approved," and sign his name to such endorsement, and thereupon such ordinances, resolutions and acts shall go into effect.

SEC. 26. That if the mayor shall fail to approve any such ordinance, resolution or act for a longer period than ten days after it shall be placed in the office of the city clerk, it shall go into effect, unless he shall have within the said period signified his disapproval thereof, or of items of an appropriation ordinance, by written objections there filed with the city clerk for the consideration of the city council.

SEC. 27. That the veto by which any ordinance, resolution or act so disapproved by the mayor was passed shall be reconsidered by the city council, either at the next regular meeting thereof held after such disapproval is filed in the clerk's office, or at any special meeting called earlier for that purpose; and if after such reconsideration, two-thirds of the aldermen elected agree to pass such ordinance, resolution, or act, in items of an appropriation ordinance, it shall be in force, but not otherwise.

SEC. 28. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of Austin."

SEC. 29. That every ordinance imposing a penalty, fine, imprisonment or forfeiture for violation of the provisions shall, after the passage thereof, be published in every issue of a daily paper published in said city for ten days, and shall not take effect until such publication has been completed. The city clerk shall note on such ordinances, as are required to be published the fact that the same have been published as required by the charter, and the date of such publication, which shall be prima facie evidence of such publication; provided, that the provisions of this section shall not apply to revision and codification of the ordinances of the city, as the council may from time to time adopt.

SEC. 30. All ordinances and resolutions shall take effect on being approved by the mayor, or on the termination of the time allowed for vetoing ordinances, without being vetoed, unless another time for taking effect be fixed for the ordinance or resolution.

SEC. 31. That in case of a tie vote by the council the mayor shall have the casting vote.

#### GENERAL POWERS OF THE CITY COUNCIL.

SEC. 32. The city council shall have the care, management and control of the city and its property and finances, except as may be herein otherwise specially provided for, and shall the power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of the State, and such ordinances to alter, modify or repeal.

SEC. 33. The city council shall have the power within the city, by ordinance, to levy and collect an annual tax not exceeding for all purposes, including taxes levied for the support of public schools, two and one-half per cent. of property values within the said city, and such taxes shall be levied at the first regular meeting in May of each year, as follows:

1. An annual tax not exceeding one per cent. on all property within the limits of the said city, made taxable by law for State and county purposes, the money raised by said taxes to be used for current expenses,

and for general improvement of the city or its property, and at least one-fourth thereof shall be set apart and devoted to the improvement of streets and building of bridges within the city.

2. To raise such further amount as may be necessary to pay interest and two per cent. sinking fund annually on all bonded debts of the city.

The city treasurer shall keep the interest fund and sinking fund separately, and shall honor no draft on the interest fund except to pay the interest on such bonds, and shall honor no draft on said sinking fund except to redeem such bonds, or to purchase interest bearing bonds of the United States or the State of Texas, or the city of Austin as hereinafter provided.

3. To raise money on the credit of the city for a special and definite purpose by issuing bonds of the city or otherwise; provided, the bonded debt of the city shall only be increased by a special act of the Legislature, or by consent of two-thirds of the qualified voters in said city, who pay taxes on property, real or personal, in said city.

All persons owning property, real or personal, subject to taxation in the said city on the first day of January next preceding any election that may held to obtain such consent shall be deemed to be persons who pay taxes on property in said city. Such election shall be ordered by the city council, and notice thereof shall be given for at least thirty days by the mayor, in such manner as may be prescribed by the city council; provided, that whatever power the city council may have possessed or acquired under the charter in force in said city prior to the passage of this act, through any election held under said charter to increase the indebtedness of said city is hereby continued and perpetuated in said council, and may be exercised under this act with the same effect that such power might have been exercised under said charter, if this act had not been passed, and to no further extent and with no further force or effect under this act than might have been done without the passage of this act; provided, that lands within the limits of the city which have not been laid off into blocks and lots shall not be assessed for taxes otherwise than by the acre, and shall continue to be so assessed and taxed until laid off into lots and blocks by the owners thereof, and the owners of such lands in laying off the same into lots and blocks shall so arrange the streets that they shall correspond as nearly as practicable with previously established streets of the city.

SEC. 34. That all such bonds shall specify for what purpose they are issued. Provision shall be made to pay the interest, and not less than two per cent. annually of the principal to redeem or pay the bonds.

SEC. 35. Neither the money for which such bonds may be sold, nor the money raised to pay the interest and sinking fund thereof shall be diverted to any other purposes, and the city treasurer shall not honor any draft drawn on said interest and sinking fund except to pay the interest on said bonds, or to redeem the same, except as hereinafter provided.

SEC. 36. Whenever the accumulated sinking fund upon any issue of bonds shall amount to as much as one thousand dollars, the same shall be applied at once to the discharge of a like amount of said bonds, and should the city not be entitled to redeem any of such series, and the holders be unwilling to surrender the same, said fund shall be invested in other valid interest bearing bonds of the city of Austin, or of the

United States, or of the State of Texas, as the council may determine, and when so invested the bonds purchased and the interest thereon shall be held as a trust for the particular fund from which the money was taken, and shall not be sold or otherwise used except for the purpose of retiring the original bonds for whose use the fund was created.

SEC. 37. The city council shall have power and authority to scale or settle any part of, or all of the valid bonded indebtedness of the city by compromise or adjustment with the holders of the bonds of the city: and shall have power to fund any part or all of the bonded indebtedness of the city, at the same or a lower rate of interest and to issue and sell new bonds, to raise the money to pay existing bonds or exchange the new bonds for those now in existence, as the council may determine.

SEC. 38. The city council shall have power by ordinance to regulate the manner and mode of making out tax lists, inventories and appraisements of property for taxation, and to prescribe the oath that shall be administered to each person on such rendition of his property, and to prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls, and fix the duties and to define the powers of the city assessor and collector, and adopt such measures as the council may deem advisable to secure the assessment of all property subject to taxation within the city, and to collect the taxes due thereon: and may, by ordinance provide that any person, firm or agent, in control, having property subject to taxation, or being liable for any tax under the provisions of this charter, and neglecting, failing or refusing to render a list, inventory and appraisal thereof, or failing or refusing to make oath thereto, as required by the ordinance of said city, shall be liable to fine and imprisonment, or either as may be prescribed.

SEC. 39. There shall be a board of equalization, composed of three resident freeholders of the city of Austin, who shall be appointed by the mayor, and confirmed by the city council after each election in said city, each of whom shall take the oath of office prescribed by the Constitution of the State of Texas, who shall hold their office for the term of two years from their appointment and qualification. They shall receive such compensation as may be allowed by the city council: said board shall have power and it shall be the duty of said board to equalize the taxable values of property, real and personal, within the city of Austin, and in the exercise of this power, it may raise or lower the valuation at which property may be assessed or rendered to the assessor, or assessed by him, with or without being rendered for taxes; and it shall further be the duty of said board, if it shall have reason to believe from information gained by its members, from the assessor of taxes, or from other sources, that any person residing within the city, has failed or refused to render for taxation any personal property owned by him and subject to taxation under the laws of the State, or has refused to give information concerning such property so that the same may be assessed by the assessor of taxes, to have such person brought before it and interrogated under oath as to such property. And said board shall have full power to enforce the attendance of all witnesses necessary, and any member thereof shall have the power to administer oaths to such witnesses, and to punish them for failure or refusal to answer any question pertinent to the inquiry. And if the said board should discover any property not rendered for taxation to the city assessor of taxes, it shall have the power and it shall be its

duty, to direct the assessor of taxes, to list the same for taxation, in like manner and with like effect as if it had been originally rendered for taxation by the owner thereof. After said board shall have passed upon and equalized the values of property assessed by the assessor originally and upon suggestion of the board, the board of equalization shall give notice that it has made changes in the valuation at which property has been assessed for taxes, and cause additional property to be assessed and valued for taxation, by publication in a daily newspaper published in the city of Austin, for three successive days. Said notice shall be sufficient if it state that the board has held a session and made changes in the assessments and valuations of property, affecting certain persons, whose names shall be given, without describing the property affected or stating the nature of the changes made, but referring the person whose name shall be given to the office of the assessor and collector of taxes, for details as to changes, a record of which shall be left by said board on deposit with said assessor, subject to inspection by the public. The notice shall also state that a further session of the board will be held at a place, and to begin at a time named in the notice, and continue for a certain number of days, or longer, when complaints as to renditions and valuations will be heard, and that such corrections will be made as may be, in the opinion of the board, just and proper; such session shall commence not earlier than one week after such notice shall have been published; such other notices may be given as the board or city council may prescribe, but the failure to give such other notice shall in no manner affect the validity of the assessment or equalization thereof. The city council shall by ordinance prescribe the rules to govern the said board of equalization, and all the determinations of such board shall be final, unless an appeal is taken therefrom to the county court of Travis county, which may be done by any person, or the agent or attorney of any person aggrieved at the action of the board, by giving notice in writing to said board of such appeal, and the grounds thereof, within five days after such board shall have concluded its labors and returned the tax list to the office of the assessor and collector of taxes, and by giving a bond payable to the city assessor and collector, for the sum of fifty dollars, conditioned that said appellant will pay all the costs of such appeal if the action of the board of appraisers should be sustained by the county court, or if the valuation of the property of such appellant shall be raised above the amount at which it was assessed by said board of appraisers. A copy of such bond and such notice of appeal, and a description, made by the assessor and collector, of the property of the appellant involved therein shall be filed in said county court, and said case shall be docketed on the civil docket of said court in the name of the appellant as plaintiff, against the board of appraisers of the city of Austin, and all such appeals shall be prosecuted to the first term of the county court after the notice of appeal is given, and shall have precedence for trial of all civil cases in said court, and the decision of said court in such matters shall be final. The list of property and the values thereof as settled by the board of appraisers, or a copy thereof, or so much thereof as may be pertinent to the question at issue, may be produced in court to be used in such trials.

SEC. 40. The city council shall have full power and authority to provide by ordinance for the seizure and sale by the city assessor and collector of a sufficient amount of personal property of any delinquent tax-

payer to pay all taxes due by such delinquent to the city, together with all interest, penalties and costs, which seizure and sale shall be made without the necessity of any writ, and by virtue of the tax rolls of said city which shall be sufficient warrant for said purpose, and such sale shall be conducted and notice given in the same manner as now provided by law for sale of personal property by county tax collectors, and at such sale the purchaser shall acquire absolute title to the property sold.

SEC. 41. The city council shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales by the assessor and collector of property upon which taxes may be unpaid, and to provide for the perpetuation of all proceedings with reference to such advertisements and sales and for execution of title to purchasers of property at tax sales, and to pass all ordinances necessary to enforce the collection of taxes; provided, that such ordinances shall allow any person whose real property has been sold for taxes, at least two years from the date of the collector's deed to redeem the same by paying double the amount paid for same; provided further, that any such proceeding so perpetuated shall be received in evidence in any court when the title conferred by the collector shall be called in question.

SEC. 42. All taxes due the city of Austin shall be payable at the office of the city assessor and collector, and may be paid at any time after the tax rolls for the year have been completed and approved, and no demand shall be required to be made upon any taxpayer whose duty it shall be to attend at the collector's office and pay the same as aforesaid. All taxes levied and now uncollected for the year 1898, shall be paid by July 1st, 1899, or thereafter bear interest at the rate of six per cent. per annum, and all taxes hereafter to be levied for the year 1899, and subsequent years, shall be paid by the first day of April of the year succeeding the levy, and when not so paid by April first, shall thereafter bear interest at the rate of six per cent. per annum, and in addition, the city council may provide by ordinance, that there shall be collected an additional five per cent. upon the amount of such taxes as a penalty against the person, firm or corporation failing, neglecting or refusing to pay such taxes by the time when the same begins to bear interest as aforesaid, which penalty shall be collected by seizure and sale of property of the delinquent, or by suit, the same as herein provided for the collection of taxes, but the city council shall not have the power of repealing any tax levy after it has once finally passed same, and after taxes have been partially collected thereunder.

SEC. 43. All property of railroad companies, of whatever description, lying or being within the city of Austin on the first day of January of each year, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered for taxation for any year, the same shall be assessed and taxes collected thereon in the same manner as herein provided for other unrendered property of previous years.

SEC. 44. The annual assessment of taxes made by the city of Austin upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all taxes, and penalties due by such delinquent; provided, that the homestead of such delinquent shall only be liable for the taxes due thereon.



SEC. 45. If it comes to the knowledge of the city assessor and collector at any time after the levy of taxes for the year, that any personal property subject to taxation in the city, is about to be removed from the city, and the owner of such property has not other tangible property in the city sufficient to satisfy all assessments against him, the assessor and collector shall, if said property has not been assessed, proceed at once to assess the same, and he shall thereupon levy upon a sufficiency of such property to satisfy such taxes, and all costs, and sell the same as provided in the preceding section, and the ordinance levying taxes for the year, and the assessment made upon such property shall be sufficient warrant for so doing, and to vest perfect title in the purchaser.

SEC. 46. All real and personal property in the city of Austin upon the first day of January of each year, and subject to taxation by said city, shall stand charged with a special lien in favor of the city for all taxes levied against the owner thereof during the year, superior to all mortgages and other liens thereupon, except the liens for State and county taxes, and all persons purchasing the same after the first day of January of any year shall take the same subject to such lien, and the city may intervene in any suit for the foreclosure of any other lien and assert its right, or may institute an independent suit, and make all mortgages and lienholders and subsequent purchasers parties, for the purpose of enforcing its lien, or recovering personal judgment for the conversion of the security here given it, for the collection of its taxes, and the said city shall be authorized, and it is here made the duty of the city assessor and collectors to file the proper statement of its taxes in any court of bankruptcy administering the estate of any bankrupt taxpayer.

SEC. 47. The city of Austin shall be authorized, and it is here given the right, to institute suit in any court in Travis county having jurisdiction under the Constitution and laws of the State, at any time after taxes become due and are delinquent, as herein provided, and recover personal judgment for the amount of taxes remaining unpaid by any person, firm or corporation, together with all interest, penalties and costs, and if any part of any such delinquent tax shall be due upon any landed property the city shall have the right in the same, or any subsequent suit to have its lien thereon foreclosed, and such property sold, as provided by law in the foreclosure and sale of property under mortgage or other lien; provided that in all cases where lands are sold the owner shall have the right, within two years of the day of sale to redeem his land from the purchaser under such judgment upon the payment of double the amount of money paid for the land, and failing so to do, the title of the purchaser shall become absolute, without further act or proceeding. The privilege of redemption shall constitute part of the judgment and deed made to the purchaser, and in such cases need not be inserted therein.

SEC. 48. In all suits for the foreclosure of a lien upon lands or lots by the city, if the defendants, or any of them be alleged to reside in any other county of the State of Texas, it shall not be necessary to serve such person with a copy of the petition; and service of citation shall be made by delivering a copy thereof in the manner provided by law for service of citation upon persons residing in the county where suit is brought, and if the defendants or any of them are alleged to be non-residents of the State, or if it be alleged that the residence of such

defendant is unknown, or the owner or owners of said land or lots are unknown, and the city assessor and collector shall make oath to that effect, at the time of filing the petition, or at the time subsequent thereto, the clerk of the court shall thereupon issue notice in substantially the following form:

"The State of Texas.—To the owner or owners and all persons claiming any interest in the lands hereinafter described: You are hereby notified that the city of Austin filed suit in the district court in Travis county (.....District) on the .... day of.....A. D.,....., No.... claiming that taxes, interest and penalties are due it by you upon the following described land, situated in the city as follows, viz.: (here set out description of the land as contained in the petition and state the aggregate amount claimed against each tract for each year)."

You are therefore commanded to appear and answer in said court at the next regular term to be held at the court house of said county in the city of Austin, beginning on the ....day of.....A. D.,....., and show cause why judgment shall not be rendered condemning said lands, and ordering foreclosure and sale thereof for said taxes, interest, penalties and costs of suit."

Which said notice shall be dated and signed by the clerk with the seal of the court, as other writs, and shall be delivered to the sheriff, and executed by causing the same to be published in some newspaper published in the city of Austin once a week for four successive weeks prior to the return day thereof. Publication of said notice shall be shown by the return of the sheriff, or his deputy, endorsed or attached thereto, which shall show when the same was executed and the manner thereof, specifying the dates of such publication, and shall be accompanied by a printed copy of such publication, and shall be signed by him officially.

SEC. 49. In case of service of notice by publication as provided in the preceding section, the case shall stand for trial at the second term of the court. The suit shall be held in all respects to be a proceeding in rem, and the court shall hear proof and render judgment in favor of the city of Austin against each parcel of land for the amount of the tax, interest, penalty and costs legally chargeable against the same, and shall foreclose the lien of the city thereon and condemn the land to be sold as under execution for the purpose of satisfying such judgment; provided, that for the purpose of foreclosing the lien of the city on all lands and lots where the owner or owners thereof are alleged to be unknown, it shall be necessary to institute a separate suit against each piece of property, and all such property may be embraced in one suit and judgment entered against each parcel and condemning the same to be sold as aforesaid; and provided further, that in all cases where lands are sold under judgment based upon service by publication, the owner shall have the right within two years from the day of sale, to redeem his land from the purchaser under such judgment, upon the payment of double the amount of money paid for the land, and failing so to do, the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption here given shall constitute a part of the judgment and deed made to the purchaser in such case, and need not be inserted therein.

SEC. 50. It shall be competent in all cases to supplement the description contained in the assessment rolls with full proof of the identity

of lot, tract or parcel of land therein assessed, and in suits to enforce collection of taxes by the city, such additional matters may be inserted in petition, and reference may be made to any map, plat or survey of said city, or of any addition or subdivision made thereto, or to any deed, decree or other instrument describing the same, which may be on file or of record in the General Land Office of Texas, or in the office of the district or county court of Travis county, and such reference shall constitute part of such petition, and all proceedings had in said suit.

SEC. 51. When any property, real or personal, is sold to enforce the collection of taxes, the city of Austin shall not become the purchaser thereof unless no one else is present who will purchase the same and pay the full amount due the city, including all costs and penalties, and it is hereby made the duty of the mayor, or the person acting as such, to attend all sales, and bid thereat for the city and upon such sale the officer making the same shall execute to the city or other purchaser proper evidence of title and to place the purchaser in possession as provided by law.

SEC. 52. All levies of ad valorem taxes heretofore made by the city of Austin and all assessments heretofore made and all assessment rolls heretofore made and placed in the hands of the city assessor and collector for collection are hereby validated, and the same shall be legal and binding regardless of any irregularity that may exist in the manner of making such levies, and the making and returning of such assessment rolls; provided, that this section shall not be construed as an attempt to validate any penalty heretofore imposed or tax levied in excess of the amount which the city could levy under the Constitution; and provided further, that all the provisions of this section shall not be construed as to affect the result of any suit filed by the city of Austin prior to the passage of this act.

SEC. 53. The action of the city of Austin in taking charge of public free schools within its limits by proceedings had in the month of August, 1880, is hereby validated and the city is hereby constituted a separate and independent school district under the Constitution and laws of the State. The action taken in placing the control of the free schools, and all property pertaining thereto, in a board of trustees is hereby confirmed, and all property, real and personal, heretofore acquired and now being administered by said board of trustees in connection with the management of said free schools is hereby confirmed in said board, and all levies of taxes heretofore made for the support and maintenance of said public free schools in said city, and which remain uncollected, are hereby validated and declared legal and binding upon the persons and property subject to taxation in said city, and the city council shall continue to levy and collect the rate of special taxation adopted or which may be adopted by vote of the people for said purpose, and deliver the same to the said board of trustees, in accordance with the General Laws of the State upon the subject.

SEC. 54. If the city assessor and collector shall discover any property, real or personal, which was subject to taxation for any year heretofore and which from any cause, has escaped taxation, he shall require the same to be listed and assessed according to the rate of taxation levied for the year or years it was omitted, and enter the same as a supplement to his next roll, stating the year, and the taxes thereon shall be collected in the

same manner as other assessments; provided, that such supplement roll, may be made at any time, and reported to the city council for its approval; and any number of such rolls may be made that may be necessary. The taxes assessed upon such supplemental rolls shall be due at once upon the approval of such rolls by the city council, and if not paid within sixty days thereafter, shall bear interest at the rate of six per cent. per annum, and may be collected by seizure and sale, or suit, as herein provided for the collection of other taxes.

SEC. 55. The city assessor shall list all property which for any cause has not been rendered to him for taxation, in such form as may be prescribed by ordinance, and place such valuation thereon as he may deem just. If the owners of such property are unknown to the assessor he shall so state, and such assessment shall be sufficient warrant for the collection of taxes due upon said property by seizure and sale, or suit, as herein provided for the collection of taxes on other property.

SEC. 56. No taxes due the city of Austin shall ever be held to be barred by any statute of limitation, and no irregularity in the time or manner of making the annual levy of taxes, or in making any inventory, list or appraisement or in making or returning the city assessment rolls, or the approval thereof, shall ever be held to invalidate any assessment, and all taxes heretofore levied by the city council of said city, and which are unpaid, are hereby continued in force, and may be collected by seizure and sale of the property of the person owning the same, or by suit, as herein provided.

SEC. 57. In all suits for the collection of taxes, which have been heretofore or which may be hereafter levied upon, the tax rolls of said city or a certified statement made therefrom by the assessor and collector, shall be prima facie evidence of the truth of all recitations and facts shown by said rolls, and shall be held to be sufficient proof (subject to rebuttal only by pleading and proof by defendant) of the following facts, viz.:

1. That the person, firm or corporation therein shown to be a taxpayer, was such, and owned the property therein listed, and that such property was subject to taxation in said city, and was rendered by such person, firm or corporation, or by his or its agent, at the value placed thereon in such rolls.

2. That the taxes due upon such property were duly and legally levied for the purposes shown in such rolls, and that the same are valid and unpaid.

3. That all acts and proceedings required by law or by ordinance of said city, in the manner of rendering, appraising and fixing of values upon such property, and the giving of all notices to such taxpayer have each and all been performed and complied with, at the time and in the manner and form required, and that all things which might be construed as conditions precedent to the lawful demand upon such taxpayer to pay the amount of taxes in such rolls shown to be due by him or them, have been performed, at the time and in the manner required by law; provided, that in the event the defendant shall show that his property was voluntarily rendered by him, and that the valuation of the same was subsequently changed by the assessor or board of equalization without notice to him or his agent, or shall show that the said rate of taxation for any purpose was, to any extent illegal, judgment shall thereupon be rendered

against him for the proper amount due, based upon the value of his property as rendered by him, and the amount of tax which is found to be legal.

SEC. 58. All provisions of the charter validating the tax levies and assessments of property, and making the assessment rolls prima facie evidence, and prescribing the rules of procedure for the collection of taxes by suit or otherwise shall be held to apply only in suits which may be brought for the collection of taxes levied since 1897.

SEC. 59. All property, real, personal or mixed, made taxable by the laws of the State of Texas, which is situated in the city of Austin on the first day of January of each year, and all personal property owned or controlled by persons residing herein, and taxable by law at the place where the owner, or agent in charge may reside, shall be subject to taxation by said city for all purposes provided in this charter, including the support of the public free schools of said city.

SEC. 60. The city council shall have power to levy and collect an occupation tax on all occupations, callings, business and professions taxed by the State of Texas, from time to time to the amount of one-half of the occupation tax levied by the State, and shall have power by ordinance, to provide adequate means for enforcing collection of the same.

SEC. 61. That the city council shall have the power to provide by ordinance for the assessing and levying of the taxes aforesaid, and to determine when taxes shall be paid.

SEC. 62. That no money shall be paid by the city upon any account whatever to any person or corporation who is in arrears to the city for taxes due. The city council shall not have the power to compromise back taxes.

#### STREETS AND SEWERS.

SEC. 63. That the city council shall have exclusive control and regulation of all streets, alleys, sidewalks and highways, and public squares within the corporate limits of the city, and shall have power:

1. To abate and remove encroachments thereon in summary manner.
2. To put drains and sewers therein, and when necessary, to appropriate private property for that purpose; for the purpose of establishing streets and alleys, to be condemned according to the laws relating to condemnation of property by railroad corporations, the city occupying the place of the railroad corporation in such cases.
3. To permit and regulate the laying of gas and water mains therein, and the erection of telegraph and telephone and electric light poles therein.
4. To regulate, establish and change the grade of all sidewalks, streets and alleys, and to require and compel the cutting down or filling up and raising of such streets, sidewalks and alleys.
5. To construct, regulate and keep in repair all culverts, sewers and crossings, and to control and regulate the use of same.
6. To construct, regulate and keep in repair all necessary sidewalks, footways and streets.
7. To grade, cut down and fill up the same.
8. To regulate the use of the same and abate and remove encroachments and obstructions thereon, and to compel the same; provided, that when the city council has once established a grade for any street, side-

walk, alley or park, and any owner of property abutting thereon has improved such property to conform to such grade, then the council shall not have authority to change such grade, except by consent of a majority of the owners by feet frontage of the property in front of which it is proposed to change such established grade.

SEC. 64. That the city council shall fix and determine the nature of all sidewalks, streets, drainage and sewerage improvements, and decide as to the kind of material to be used.

SEC. 65. That there be appointed by the city council, five citizens of Austin, who shall constitute a board of street and sewer commissioners. They shall hold office until the next general election and shall act gratuitously. The board shall be allowed, however, the sum of five hundred dollars annually, or such portion of the same as they may require to cover expenses, if any, which they may incur in performing the duties of their office.

SEC. 66. That it shall be their duty to prepare and recommend to the city council comprehensive plans for streets, sidewalks, sewers and drainage improvements, including material to be used and all other matters pertaining to the construction of the improvements.

SEC. 67. That all matters involving an outlay of as much as five hundred dollars, pertaining to any improvement of the character above mentioned shall first be referred to them, and an interval of not less than ten days, after such reference is formally made by the city council, shall be allowed them in which to report on the same to the said council; and it shall be their duty to examine, pass upon and report to the city council all plans and specifications relating to such improvement before the same are finally approved by the city council.

SEC. 68. That they shall also pass upon all bids received on matters relating to said improvements, and recommend such action with reference to the same, to the city council, as they may deem expedient. They shall also examine and pass upon all street work for the city, where the contract exceeds five hundred dollars, and such work shall not be accepted by the city council until their report on the same has been made to the city council; or until after the expiration of fifteen days from the time when the matter shall have been referred to them.

SEC. 69. The city council shall have power to employ and fix the compensation of such agents as it may deem for the best interest of the city; provided, that the compensation of such agents shall not be increased during the time of their employment; and provided further, that the city council may abolish any place created by it, and also discharge any person employed by it, at any time that it may deem that the best interest of the city require such action; and the city shall not be liable for the salary of such person after the place to which he has been elected has been abolished or he has been discharged by the city council.

SEC. 70. That the city council shall have power by ordinance:

1. To make regulations to prevent the introduction or spreading of any contagious disease within the city; to make quarantine ordinances for that purpose and to enforce them within the city and within ten miles thereof, and to enforce vaccination and to establish hospitals and to make regulations for the government thereof within and without the city limits; and to make and enforce all other necessary regulations to secure the general health of its inhabitants.

2. To establish or erect, or cause to be established or erected, market and market houses; to designate, regulate and control market places and privileges, and to inspect within or beyond the city limits and determine the mode of inspecting, cattle, meats, birds, fowl, fish, vegetables, fruits, milk, and to seize and destroy any decayed or unwholesome fruit or vegetables, any impure or unhealthy or unwholesome meats, birds, fowl, or fish, and to regulate, license, control or prevent the sale or keeping for sale on public streets, squares, and alleys of any article of food or drink, or any goods, wares and merchandise of any kind whatever.

3. To regulate, restrain, locate, abate, or prohibit slaughter houses, glue factories, bone boilers, hide houses or establishments for curing hides, soap factories, places for rendering lard, tallow, offal and other substances that can be rendered and all other establishments where any nauseous, dangerous, offensive, or unwholesome business may be carried on.

4. To define what shall be a nuisance in the city, and to punish the authors thereof by penalties, fines and imprisonment.

5. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or suppression of disease.

6. To co-operate with the commissioners court of Travis county in making such improvements connected with the city and county as may be deemed by the city council and commissioners court necessary to improve the public health and to promote efficient sanitary regulations, and by mutual agreement they may provide for the construction of such improvements and the payment therefor.

7. To regulate the burial of the dead and to prohibit public funerals in cases of death from contagious or infectious diseases; to purchase, establish and regulate one or more cemeteries within or without the city limits; to regulate the registration of marriages, births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, ministers, sextons and others for any default in the premises.

8. To provide for the erection of all needful buildings for the use of the city, within its limits, and to determine when it is necessary to acquire property or the use thereof, by the power of eminent domain for all purposes for which the city may lawfully exercise such power.

9. To license and regulate auctioneers, grocers, merchants, retailers, hotels, boarding houses and bakeries, and to license and regulate or suppress by ordinance, hawkers, peddlers, brokers, pawnbrokers and money changers.

10. To license and regulate hacks, carriages, omnibuses, wagons and drays and to fix the rate to be charged for carriage of persons and for wagonage, cartage and drayage of property.

11. To license and regulate theatrical and other exhibitions, shows and amusements.

12. To license and regulate billiard tables, bowling alleys, restaurants, drinking houses and saloons and all places and establishments where intoxicating or fermented liquors are sold, and to regulate their location; and to restrain and suppress street beggars, disorderly houses, lotteries and all fraudulent devices and practices.

13. To suppress gaming and gambling of all kinds and description and to prevent the same.

14. To prohibit bawdy houses, houses of prostitution and assignation houses, and to punish prostitutes and keepers of houses of prostitution within the city.

15. To provide for the prevention and extinguishment of fires and to organize and establish fire companies; also to regulate, restrain, and prohibit the erection and repair and maintenance of wooden buildings in any part of the city, and to declare all wooden buildings which they may deem dangerous on account of fire, nuisances, and to require the same to be removed in such manner as the council may direct.

16. To regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards with power to remove and keep away from the vicinity of any fire any suspicious person lurking near the same, and to compel any person or persons present to aid in extinguishing the fire, or in the preservation of property exposed to the same, and to prevent goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance.

17. To compel the owners of houses and other buildings to have scuttles upon the roof of any such buildings or houses, and stairs and ladders leading to the same.

18. To create a board of fire commissioners.

19. To regulate and prescribe the manner of building partition and parapet walls and of partition fences.

20. To establish standard weights and measures and to regulate the weights and measures to be used in the city in all cases not otherwise provided by law.

21. To provide for the inspection of lumber, the measurement thereof and other building materials.

22. To provide for the inspection and weights of hay, the measure of charcoal and other fuel to be used in the city.

23. To regulate and prescribe the duties and powers, and compensation of all officers and employes of the city in accordance with limitations of this charter and to require bonds from them.

24. To provide for the taking of an enumeration of the inhabitants of the city.

25. To provide for the removal from office of any person holding an office created by this act or by ordinance not otherwise provided for.

26. To fix the compensation and regulate the fees of all jurors and witnesses, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriating of such fines and forfeitures and the enforcement of such penalties; provided, that no penalty shall exceed a fine of two hundred dollars or imprisonment not exceeding fifteen days for any one offense, or both.

27. To erect a workhouse and prison and a house of correction, and to provide for the regulations and government thereof.

28. To regulate and license all ferries and toll bridges within the limits of the city, except that portion of the Colorado river, above the northern boundary corporate line of the city calling to run westwardly would intersect the Colorado river if prolonged westwardly; nor shall any ordinance be enforced prohibiting hunting or fishing on said portion of the river; provided, that hunting or fishing in said territory may be regulated by the city council.



29. To prevent and restrain any riot, disturbance or disorderly assembly in any street, house or place in the city.

30. To use, regulate, improve, grade and control all grounds owned by the city within its limits.

31. To regulate the size, number and manner of construction of doors, and stairways of theaters, tenement houses, audience rooms, public halls, and all buildings used for the gathering of large numbers of people, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exits in case of fire.

32. To require the construction of suitable fire escapes on or in hotels, lodging houses, factories and other buildings, whether now or hereafter to be built.

33. To authorize one or more officers, agents or employees of the city, to enter into and open all buildings and premises for the purpose of examining and discovering whether or not the same are dangerous on account of fire or in an unclean state, and cause the defect to be remedied and filth and trash to be removed; and generally the council shall have the power to establish such regulations for the prevention and extinguishment of fires as it may deem expedient.

34. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; and prohibit and punish abuse of and cruelty to animals of every kind; to compel persons to fasten their horses or animals attached to vehicles, while standing or remaining in the streets or other public places.

35. To prohibit, the rolling of hoops, flying of kites, firing of fire-crackers or fireworks of any kind, or any other amusement having a tendency to annoy persons passing in the streets or on the sidewalks; to restrain and prohibit or regulate the ringing of bells, the blowing of horns, whistles or bugles, the crying of goods and all other noises, practices or performances tending to collect persons on the streets or sidewalks by auctioneers or others for the purpose of business of otherwise.

36. To, prevent all boxing matches, sparring exhibitions, cock fighting and dog fighting, and punish all persons making such exhibitions.

37. To regulate and prevent drumming on the streets or sidewalks, railroad platforms or other public places.

38. To require the owners of private drains, sinks, and privies to fill up, clean, drain, relay, alter, repair, fix and improve the same as they may be ordered by resolution or ordinance, so as to prevent the same being or becoming a nuisance, and to impose penalties on persons not doing the same; and if there be no person in the city upon whom such order can be served, the city can have the work done and the cost of the same shall be a lien on the property taxed up against and collected in such manner as the city council may direct.

39. To build, own and operate street railroads within and beyond the city limits.

40. To preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of trains, and to make and regulate stands for vehicles at said depots and other public places.

41. To prohibit and regulate the driving of cattle or other animals through the streets of the city.

42. To inspect the construction of all buildings in said city and to compel the connection of all buildings with sewers, when such buildings

are in the sewerage districts where sewers are in operation, and to prescribe the rates charged for such sewerage.

43. To regulate and locate the erection of all poles in the city, and cause the same to be changed, whether telegraph, telephone, electric light or otherwise.

44. To regulate the speed of locomotives, engines and other cars and vehicles in the city.

45. To direct and control the laying of railroad tracks, turnouts and switches, and require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in repair.

46. To erect, construct, build, operate and maintain a water and electric light system to supply the city and its inhabitants with water and electric lights, by constructing and maintaining a reservoir of water in and about the channel of the Colorado river, within and without the city limits by means of the dam across the same, as the same is now constructed, to serve as a reservoir and to furnish power to operate an electric light system, and build such other reservoirs as may be necessary at such an elevated point within and without the city as may be necessary to supply the higher portions of the city with water. That for the purpose of constructing and maintaining such water and light system, the city shall have the power to take, hold and acquire such property within or without the limits of the city as may be necessary for the city to obtain in order to build such system or any part thereof, but no property shall be taken, overflowed with water or otherwise damaged by the city within or without the limits for such purpose, without the consent of the owner thereof, except by due process of law, and upon making adequate compensation for the property so taken or damaged or overflowed. When the owner of property which shall be overflowed or damaged by the construction of such system of water and light works, or which it may be necessary for the city to acquire, cannot agree with the city as to the amount to be paid for injury to property or for overflowing same, or the price which the city should pay to acquire such property, the city may condemn such property as it may deem necessary for it to acquire for such purposes, and have the damages assessed which the city should pay for injury to property to be overflowed by water or otherwise injured in the manner that railroad corporations are now or may from time to time be authorized to condemn property, and may in like manner have the damages to be paid for the property injured or overflowed, assessed and established; the city occupying the place of the railroad corporation in such proceedings.

47. To provide for the inspection of boats carrying passengers and freights for hire on the reservoir or lake on Colorado river formed by the construction of the dam across said river, and to prescribe all necessary rules and regulations for the safe conduct of boats thereon and to exercise general police power over said reservoir or lake.

48. To regulate the use of locomotive engines, and to direct and control the location of cables and all other railroad tracks, and to require railroad companies of all kinds to construct at their own expense such bridges, turnouts, culverts and crossings as the city council may deem necessary.

49. To regulate the speed of railway trains in the city limits and

their stops at the crossings, and require said companies to keep the streets through which they run in repair.

50. To regulate the running of horse railroad cars, or cars propelled by dummy engines or other power, and laying down tracks for the same, the transportation of passengers thereon, the form of rails to be used.

51. To establish and regulate public pounds and to regulate and prohibit the running at large of horses, cattle, mules, sheep, swine, goats, geese, dogs and other animals or fowls and to authorize the distraining, impounding and sale of same for the cost of the proceedings and the penalty incurred and to order their destruction when they cannot be sold, and to impose penalties on the owners or harborers thereof, for violation of any ordinance.

52. To provide for the holding of election by the people and to regulate the manner of holding the same, and every male inhabitant in the city qualified to vote for State and county officers in Travis county who shall have resided six months in the limits of the city shall be qualified to vote for city officers under this act.

#### CITY OFFICERS.

SEC. 71. There shall be a mayor of the city, a city marshal, a city clerk, a city attorney, a city assessor and collector, a city physician, a city treasurer, a city engineer and ex-officio street commissioner, who shall be superintendent of streets, each of whom shall have resided in the State of Texas twelve months and within the city of Austin four months next preceding the election, and shall be a qualified elector of said city under the laws of the State. Each of them shall hold his office for a term of two years, and until his successor has been elected and qualified. They shall each, together with the aldermen of said city, be elected at a regular city election to be held on the first Monday in April of each alternate year, the first election to be held hereunder on the first Monday in April, 1899. Each of said officers shall take the oath of office prescribed by the Constitution of the State of Texas.

SEC. 72. The council shall provide for such policemen as may be necessary for the proper policing of the city, which policemen shall receive such compensation as may be provided by the council. The policemen shall be appointed by the marshal and confirmed by the council, but the right of confirmation shall not be held to give the right of substituting other names in the place of those nominated, nor shall a name once rejected be presented again within six months. Any policeman who shall take any part in any election, whether city, county, State, or national, other than voting, shall forfeit his position and the council upon proof shall so declare and the vacancy shall be filled as in case of first appointment.

SEC. 73. That when two or more persons shall have an equal number of votes for any office a new election shall be ordered, except when the election is contested, and whenever an election is contested the city council shall determine the same.

SEC. 74. That whenever any vacancy shall happen in the office of mayor or alderman within six months before time for holding a general election it shall be filled by election by the city council of some person

not a member of the council, in which case such officer shall hold office for unexpired term of office only vacancies occurring in said offices more than six months before a general election shall be filled by a special election by the qualified voters of the city.

SEC. 75. That any officer of the city may be removed from office, for any malfeasance in office, by a majority of two-thirds of the full board of aldermen, after trial and conviction. The council shall be the judge of what shall constitute malfeasance in office.

#### THE MAYOR.

SEC. 76. That the mayor shall sign the commission and appointments of all persons elected by the city council.

SEC. 77. That the mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts or other papers; it shall be his duty to make a report to the council in writing regarding any error or deficiency he may discover in said accounts and papers.

SEC. 78. That the mayor shall preside at all meetings of the city council except as herein otherwise provided, and shall have a casting vote when the council is equally divided and not otherwise.

SEC. 79. That the mayor shall from time to time communicate to the city council information and recommend such measures as in his opinion may tend to the improvement of the finances, health, security, ornament and general prosperity of the city.

SEC. 80. That the mayor shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city, and he is hereby authorized to call upon every male inhabitant of the city over eighteen years of age and under the age of fifty years to aid in enforcing the laws and ordinances of the city, and any person who shall not obey such call shall forfeit to the city a fine not to exceed two hundred dollars.

SEC. 81. That the mayor, by and with the consent of the city council, shall have the power to remit fines, forfeitures and penalties, and to grant reprieves and pardons for all offenses arising under the ordinances of the city.

SEC. 82. That the mayor shall have power to solemnize marriages and to administer oaths of office.

SEC. 83. That the mayor shall try all cases of violation of the city ordinances.

#### CITY MARSHAL.

SEC. 84. That the marshal of the city shall be ex-officio chief of police, and shall be the chief police officer of the city under the mayor, and he shall, either in person or by deputy, attend upon the mayor's court while in session, and upon meetings of the city council and shall promptly and faithfully execute all writs and processes issued to him. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quieting riots, disorders and disturbances of the peace within the limits of the city, and shall take into custody all persons so offending against the peace of the city, and shall have the authority to take suitable and sufficient bail for the

appearance before the mayor's court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest without warrant all violators of the public peace, and all who obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbance whatever in his presence, or upon complaint of any citizen. To prevent a breach of the peace or preserve quiet and good order, he shall have authority to close any theater, barroom, drinking house, or any other place or building of public resort, and in the prosecution and suppression of crime and arrest of offenders, he shall have, possess and exercise like authority and jurisdiction as the sheriff of the county under the laws of the State. He shall give a bond payable to the said city, and in such amount as the city council may require, said bond to be approved by the city council. He shall perform such other duties, possess such other powers, rights and authority as the council may by ordinance require and confer.

#### CITY CLERK.

SEC. 85. That it shall be the duty of the city clerk to attend all meetings of the city council and to keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, to preserve and keep in order all books, papers, documents, records and files of said council, to countersign all commissions and licenses issued by the mayor, and to keep a record of them, and to draw all warrants on the treasurer, and countersign the same, and to keep accurate accounts thereof, in a book provided for that purpose.

SEC. 86. That he shall have the custody of all ordinances of said city, and of all seals of the corporation, and shall only affix the same to the obligations of the city by order of the proper authority of the city.

SEC. 87. That the city clerk shall perform such other and further duties as may be required of him by the council, by resolution or ordinance or otherwise, and give such bond as the city council may prescribe.

#### CITY ATTORNEY.

SEC. 88. That the city attorney shall be a regular licensed lawyer, who shall have received his license to practice law in this State more than five years before his election. He shall attend all cases in any court in the State wherein the city may be a party in interest, unless by the council otherwise provided. He shall draw all ordinances, when requested to do so by the mayor or any alderman, and inspect and advise upon all papers and documents involving any interest of the city. He shall be the legal adviser of the mayor, the city council or any committee or board of the city, and of all city officers, and authorities upon legal questions touching their official duties.

#### CITY ENGINEER AND EX-OFFICIO STREET COMMISSIONER.

SEC. 89. The city engineer and ex-officio street commissioner shall, with the advice of the mayor, have general supervision of all work on the streets and bridges of the city, within such limits of expense as the city council may, under the terms of this act, prescribe, and shall also

perform the duties of city engineer as fixed by the charter in force prior to the passage of this act, and such other duties as the council shall direct.

#### CITY ASSESSOR AND COLLECTOR.

SEC. 90. That the city assessor and collector shall assess and collect the city taxes and occupation licenses, and shall pay the same over to the city treasurer promptly as collected, taking duplicate receipts therefor, one of which he shall retain and the other he shall return to the council. He shall, monthly or oftener if required, make a detailed report to the city council of all collections made by him.

SEC. 91. That he shall be vigilant and see that no business is carried on without the license or occupation tax due thereon shall have first been paid. He shall be responsible for all acts of his deputies. He shall be vigilant in collecting all delinquent taxes, and enforce their collection as herein provided, and as may be provided by ordinance. He shall give bond in such amount and in such form as the council may prescribe, with good and sufficient security.

SEC. 92. That the city council may require a new bond if, in their opinion, the existing bond is insufficient, and whenever such bond is required, he shall perform no official act until such bond shall have been approved.

SEC. 93. That he shall have all the powers and perform all the duties herein provided, and such others as the council may confer and prescribe.

#### TREASURER.

SEC. 94. That the city treasurer shall give such bond or bonds as may be required, conditioned for the faithful discharge of his duties. He shall receive and keep all money belonging to the city, and make all payments of the same upon warrants of the mayor, attested by the city clerk.

SEC. 95. That he shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting of every month, and at such other times as the council may require.

#### CITY PHYSICIAN.

SEC. 95½. The city physician shall perform the duties of city hospital physician, and such other duties as may be directed by ordinance.

SEC. 96. The mayor shall receive an annual salary of two thousand dollars; the city marshal shall receive an annual salary of one thousand five hundred dollars; the city clerk shall receive an annual salary of twelve hundred dollars; the city assessor and collector of taxes shall receive an annual salary of one thousand, seven hundred dollars; and he may employ an assistant at an annual salary of not exceeding eleven hundred dollars; the city physician shall receive an annual salary of twelve hundred dollars; the city treasurer shall receive an annual salary of one hundred dollars; the city attorney shall receive an annual salary of fifteen hundred dollars; and the city engineer and ex-officio street commissioner shall receive an annual salary of twelve hundred dollars.

## THE MAYOR'S COURT.

SEC. 97. That the mayor shall be the chief judicial magistrate of the city, and as such shall hold a court within the city by the name of the mayor's court of the city of Austin, which said court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances of the city, subject, however, to an appeal to the county court, in the same manner as appeals are taken and granted from justices courts to the county courts under the General Laws of the State. Nothing herein shall be construed to repeal or in anywise affect the present law providing for corporation courts as provided for in Chapter 33, pages 40-44 of the General Laws of 1899.

SEC. 98. That the mayor may require of any person arrested under this act, or the ordinances of the city, a bond to keep the peace, with two good and sufficient securities, which bond shall be payable to the city of Austin. He shall have full power and authority to issue subpoenas for witnesses, and compel their attendance by process of attachment. He may issue warrants of arrest, search warrants, executions, and other process known to law that justices of the peace of this State may lawfully issue, and he may punish all contempt by fine or imprisonment, or both.

SEC. 99. That he shall have full power to administer official oaths and all other oaths or affirmations, and give certificate thereof. The mayor shall be ex-officio justice of the peace, and shall possess, within the city limits in criminal cases, all the powers and duties of such officer; but in no case shall he entertain jurisdiction of civil suits.

SEC. 100. That the mayor shall be conservator of the peace, and his court shall be open every day except Sunday, and legal holidays, to hear and determine any and all cases cognizable before him, and shall have power to bring persons before him forthwith for trial. Parties arraigned for violation of city ordinances, demanding a trial by jury shall deposit with the court the sum of three dollars security for the payment of the cost of such jury, unless they shall make oath that they are unable to pay or secure the same; any person convicted of an offense under the provisions of this act, or the ordinances of the city, shall be punished as may be prescribed by ordinance, not to exceed the punishment which the Legislature may lawfully authorize a mayor of a city to impose.

SEC. 101. That the fines imposed in the mayor's court for violations of the city ordinances, shall not be less than five dollars, nor more than two hundred dollars, for each and every offense, and no costs shall be taxed against any person convicted therein.

SEC. 102. That there shall be a board designated, and known as "The Austin Water, Light and Power Commission of the City of Austin," composed of four commissioners possessing the qualifications required for mayor of said city, and the mayor of the city of Austin, who shall ex-officio be a member thereof. Said commissioners to be elected by the qualified voters of the city, and to serve without compensation, and shall hold their offices for a term of two years, and until the election and qualification of their successors. They shall qualify within twenty days after their election, take the oath prescribed by the Constitution of the State; provided, the first election for said commissioners shall be at the general election to be held on the first Monday in April, 1901. and the com-

missioners heretofore elected, and now qualified and acting, shall continue in office for the period for which they were respectively elected, at the expiration of which time the city council on the nomination of the mayor, shall elect their successors, who shall serve until the commissioners elected on the first Monday in April, 1901, shall have qualified.

SEC. 103. The board and their successors shall take, and hold possession of, and have and receive general exclusive supervision, management and control of the system of waterworks, electric lights, and power plants of the city of Austin, and all property, funds and business belonging or appertaining thereto; and it shall have the exclusive power, and it is charged with the duty as a branch of the city government, to furnish all water, light and power adequate to the requirements of the city of Austin for public use, and for such compensation to be paid by the city as hereinafter provided; and said board shall have power to make and enforce, any and all contracts deemed proper by it, and not prohibited by law or this act, in connection with its duties and powers hereby given it. Said board shall further have the power and is hereby given the right to use the same banks of the Colorado river within the limits of the city of Austin for the purpose of maintaining and constructing wells, canals and such other improvements as may be deemed needful by the board, for properly carrying on its business in pursuance of its powers as such board; and the city of Austin is hereby invested with the right of eminent domain to be exercised by said board for the city of Austin, in the acquisition of any property necessary for the maintenance of said system, and shall have the power to improve, extend, add to or change said system under its control, as the board may from time to time determine, and to dispose of all property not needed for the proper management of the plant and system.

SEC. 104. The said commission shall have the power to employ and discharge at pleasure the persons necessary to successfully operate said water, light and power system, and to fix salaries and amounts of compensation each employe shall receive, with power to reduce or change such compensation at its pleasure; and when deemed necessary by it, to require of employes such bonds as may be deemed proper.

SEC. 105. That said commission shall have the power, and it shall be its duty to make and enforce all rules and regulations necessary for the protection of said property, and the operation of said business, and to fix all rates and charges for water, light and power, to be paid by all consumers; provided, that the charges to be paid for water by the city, and for the light and power for the public use, shall be as follows: For each fire hydrant, not more than thirty dollars per year. For each watering trough, not more than forty dollars per year. For flushing gutters and supply of public grounds and property with water, not more than one thousand dollars per year. For water used by the city for all other purposes and for lights and power, at a rate not to exceed one half of the meter rates fixed from time to time for other consumers generally; and provided that the rates charged by said commission shall at no time be so high that the proceeds exceed in amount a sufficiency to pay interest and sinking fund on the water and light bonds of the city of Austin, operating expenses and general expenses deemed proper for the benefit of the system; and the commission shall have the power and it is its duty to provide the method and fix the time when payment of rates and



charges shall be made, and to receive and collect all money due from said system; and it may in its own name institute and conduct any suit in the courts having jurisdiction thereof, for the collection of debts due it, for the recovery or protection of said property or for damages thereto; that said commission shall keep a record of its proceedings, and a list of rates, both of which shall be subject to inspection at all times during office hours; and it shall make report to the city council quarterly, showing the revenues and expenditures had, made and contracted for during the last preceding three months, and at the end of each fiscal year a report showing additionally the condition of the system, the property, funds, and securities which have come into its hands during said year, and the disposition thereof; which report shall be audited under the direction of the city council; and shall be published in such manner as the council may direct.

SEC. 106. That the commission shall, at the first meeting after each election and qualification of members of the board, elect one of their members president and another vice-president, who shall, unless they sooner vacate the same, hold their offices until the next meeting of the board after the next election and qualification of members of said board; and in case of vacancy in either position the board shall elect from its members a member to fill such vacancy for the unexpired term. Any three members of said board shall constitute a quorum for the transaction of business in regular meeting, and at least one regular meeting shall be held each month. The board shall keep on file vouchers for all expenditures, and may prescribe such further rules for the conduct of its business as from time to time it may deem proper; provided, that no money shall be paid out except after appropriation made therefor at a regular meeting of said commission; and provided, that the treasurer shall only pay out money upon the draft against such appropriation of the president or vice-president, if, under the rules of the commission, he is acting for the president, and no other member of the commission; and providing further, that the revenue arising from the said water, light and power plant shall be applied by said commission: First: To the payment of the current expenses of the business, and second, to all reasonable improvements and additions to said system, and third, the surplus shall be transferred by the commission to the interest and sinking fund of the water and light bonds of the city of Austin. Such transfer to be made at least ten days prior to the time at which any installment of the interest or sinking fund shall become due and payable upon the water and light bonds of said city, toward the payment of which such surplus fund shall be applied, and it shall be the duty of said commission, at least thirty days prior to the annual levy of taxes by said city to report to the city council an estimate of such surplus for the year for which taxes are to be levied.

SEC. 107. The treasurer of the city of Austin is hereby made the ex-officio treasurer of the water, light and power commission of the city of Austin; and as such treasurer for said commission he shall give bond payable to the city of Austin, and subject to the approval of the commission, in a sum to be fixed by said commission, and not less than twenty-five thousand dollars, conditioned for the faithful performance of all duties devolving upon him as said treasurer of said commission; any guaranty company having complied with the provisions of the laws or Texas in that respect may become surety upon such bond.

SEC. 108. The said commission shall have a seal with its name inscribed thereon, which shall be kept by the person designated by the commission as secretary, and copies of all records and official books, and accounts of the said commission, certified under the hand of the president and attested by its secretary and seal shall be admitted in evidence in all courts.

SEC. 109. The commission may lease any surplus of power for such periods of time not exceeding twenty years and for such prices as it may deem expedient, subject always to the right of the city to use of sufficient water to properly operate the plant; provided, that all contracts for the lease of such power or any part thereof shall contain stipulations fixing the time within which such power shall be used and for what purpose, and that the right to use the same shall be forfeited upon the failure to use the same within the time stipulated in such contract for the purpose therein specified, or for the abandonment of the usage of the same for a period to be specified in such contract, or for sub-leasing or assigning the same or parts thereof, or charging others for the use thereof without the written consent of said commission, or for failure to pay for same at such time as may be fixed for the payment in such contract, and the contract shall provide that the commission may discontinue the supply of power to such lessees, whenever, in its discretion, it may be necessary to do so; in order that said system may be properly operated; and such lessees shall not have a right of action against the city of Austin for any damages arising out of such discontinuance; but shall be entitled to a proportionate rebate on their contract price for such power.

SEC. 110. That it shall be unlawful for any commissioner to be interested either directly or indirectly in any contract or transaction by said commission with any person or persons, or in the purchase of any material or supplies made by such commission.

SEC. 111. If any person shall wilfully do or cause to be done any act whereby any work, material or property whatever, erected within or without the city of Austin, or used by the board, or by any person acting under its authority, for the purpose of securing or keeping a supply of water, light or power shall be injured or shall wilfully throw or place or cause to be thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy substance whatever, in any reservoir, pipe or aqueduct of said system through which water for public or private use is conveyed, or shall throw or place, or caused to be thrown or placed, in the Colorado river, or any of its branches, any such substance above the city dam across the Colorado river within the city limits, or wilfully do, or cause to be done, any act to pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars and not exceeding two hundred dollars.

SEC. 112. That if any person without the written consent of the commission or its agent duly thereunto authorized, shall perforate above, or cause to be perforated or bored, any distributing pipe, main, or aqueduct, or cut, remove or otherwise injure any pole or attachment to either, or shall wilfully injure any reservoir or other appliances, or machinery used as a part of or in connection with the said water, light and power plant or system, or make or cause to be made any connection with said pipe, aqueduct, or works, or appliances without such written authority previously

obtained, the person so offending shall be guilty of a misdemeanor and shall, upon conviction thereof be punished by a fine of not less than ten nor more than two hundred dollars.

SEC. 113. No prosecution herein provided shall preclude the commission from recovering damages in any civil action.

#### GENERAL PROVISIONS.

SEC. 114. That the city council shall have power subject to the restrictions herein contained, to make all ordinances which may be necessary and proper for carrying into effect the powers specified herein; provided, that the council shall have no power to prohibit the owners of property abutting on the Colorado river, from fishing in that river, and resorting thereto for water, and having access thereto for themselves and stock.

SEC. 115. That all ordinances of the city of Austin and rules and regulations of the city council, and other departments of the city, which shall be in force when this act takes effect, and which are not in conflict with the same, shall remain in full force and effect until amended, altered, or repealed by the city council.

SEC. 116. That the mayor, members of the city council and other officers of the city who shall be elected at the city election ordered under the old charter, and to be held on the first Monday in April, 1901, shall continue in office until the next general election in said city, to be held on the first Monday in April, 1903, and until their successors are elected and qualified as provided for in this act, and until such time shall receive the compensation now paid them, respectively. That the city council, shall within twenty days after this act becomes a law, order a special election to elect from each ward by the voters of said ward one alderman, who shall hold office until the next general election for city officers, and together with the seven aldermen elected by the city at large at the election held on the first Monday in April shall constitute the city council.

SEC. 117. That the fiscal year of the city shall be from and including the first day of January of each year, to and including the thirty-first day of December of said year; and all receipts of money during such fiscal year shall be regarded as funds belonging to such fiscal year, whether collected from the taxes or other dues of a previous year or not, and all taxes and other dues remaining due and uncollected at the expiration of one fiscal year shall be regarded as resources of the next succeeding fiscal year.

SEC. 118. That the receipts of money during any fiscal year, either from special funds provided to pay interest and sinking fund, or bonds of the city, shall be applied to the payment of expenses and indebtedness incurred during such fiscal year; and no debt other than such as may be authorized by a vote of taxpayers, as is provided for in this act shall be incurred to be paid after the end of the fiscal year in which it may be incurred.

SEC. 119. That no contract shall be made involving the payment of money by the city after the termination of the fiscal year in which it is made, except for constructing public works, or other improvements, which in the judgment of the council, cannot be practically completed before the end of the fiscal year; but no contract made for such public

works or improvements, shall in any event involve the payment of a greater sum, after the close of the fiscal year in which such contract is made, than may be paid out of the fund belonging to such fiscal year, and in all such cases an appropriation shall be made out of the funds for the pending fiscal year for the payment of the amount the city will become liable for if such contract is performed; such appropriation shall be made at the time such contract shall be executed, or the contract shall not be valid; provided that this section shall not apply to the expenditures of any special funds raised by the issuance of bonds for special purposes.

SEC. 120. That in order to make these restrictions effective, the council shall within two months after the beginning of each fiscal year, and after the salaries of officers and regular employes shall have been fixed for the year, cause to be made, or adopt an estimate of the probable income from all sources, which will be collected for the general fund during the fiscal year; and of the expenditures to pay salaries and wages of officers and regular employes, and of the amount required to meet the other ordinary expenses of the city government, not including work on streets and bridges, or other public improvements; said estimate shall be spread upon the minutes of the council when adopted, and may be amended when the council may deem them incorrect.

SEC. 121. That after the adoption of the said estimate it shall be unlawful for the city council to so appropriate sums out of the general funds as to reduce the general fund below the amount which if said estimate be taken as correct, will pay the said estimated expenses of the city government for the pending fiscal year.

SEC. 122. That after two months from the beginning of any fiscal year, no appropriation shall be made for any other purpose, other than to pay the regular salaries of officers and employees, and expenses of the hospital, without such estimate of the city council being in force as provided for in this act.

SEC. 123. That the city clerk shall keep posted in a conspicuous place in the council room a copy of the estimate provided for in the preceding sections and shall note in connection therewith the aggregate of each appropriation ordinance affecting the general funds, passed by the city council after the same takes effect.

SEC. 124. That the unexpended balance of appropriations remaining after the purposes for which they were made have been accomplished, or abandoned, shall be reported to the city clerk by the committee or officers of the city, having the subject in charge, and when so reported such unexpended balances of appropriations shall be noted in connection with said estimates so posted in the council room.

SEC. 125. That no money shall be paid out of the city treasury except by warrants signed by the mayor and attested by the city clerk.

SEC. 126. That the inhabitants of the city of Austin are hereby exempted from working on public roads beyond the limits of the city.

SEC. 127. That the ordinances, resolutions and by-laws of the city council may be proved *prima facie* by a book of printed ordinances of the city appearing to be printed by the authority of the city, or by copies of ordinances certified by the city clerk to be true copies of such ordinances or the record thereof.

SEC. 128. That the city of Austin may institute and prosecute suits

without giving security for costs, and may appeal from judgment without supersedeas or cost bond.

SEC. 129. That the board of trustees of the public free schools of the city of Austin, now acting under elections heretofore held shall continue in office until their successors shall qualify, and the terms of office of the members of said board respectively are hereby changed to conform to the change in the time of the general election of city officers, so that the members of the board, whose terms would have expired in December, 1899, shall expire with the first general election of city officers undis this charter, and the terms of the remaining members shall expire with the second general election held thereafter, and at each general election of officers under this act members of said board of trustees shall be elected in conformity with the laws of the State upon the subject, and the said board of trustees shall continue to manage and control the public free schools of the city of Austin in accordance with the General Laws applicable to cities which have acquired exclusive control of the public free schools within their limits.

SEC. 130. Nothing herein contained shall ever be construed to in any manner suspend, modify or abridge any penal laws of this State; but the penal laws of this State shall ever be in full force and effect, and in no manner repealed or suspended by any provision of this act; but the council may enact any ordinance not in conflict with the penal laws of this State.

SEC. 131. That the territory of the city of Austin not embraced within its corporate limits, prior to the first day of May, 1890, shall not be charged with or liable for any debts of the city of Austin incurred prior to said date.

SEC. 132. That the jurisdiction and powers conferred on the city of Austin by this act shall supersede the authority of each and all other municipal corporations heretofore exercising any authority over any part of the territory included within the boundaries of the city of Austin as prescribed by this act.

SEC. 133. That the city council shall cause to be published within a month after the end of each fiscal year, a full, complete and detailed statement of all moneys received and expended, classifying each receipt and expenditure under its proper head.

SEC. 134. That this act is declared a public act and may be read in evidence in all courts of law and equity in this State without proof.

SEC. 135. That all laws and parts of laws which are in conflict with this act be and the same are hereby repealed.

SEC. 136. That any official or other bond required or permitted under this act may be made in any surety or guaranty company authorized to do business in this State.

SEC. 137. Eight hours shall be and constitute a day's labor on all work performed for the city by mechanics, artisans and laborers, whether performed directly for the city or indirectly by contract.

SEC. 138. The fact that the regular city election is fast approaching creates an imperative public necessity and emergency requiring the suspension of the constitutional rule which provides that bills shall be read on three several days, which said rule is accordingly suspended, and it is therefore enacted that this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 97, nays 0; and was reported to the Senate, where same was amended and passed by two-thirds vote, yeas 26, nays 3; House concurred in Senate amendments by two-thirds vote, yeas 106, nays 2.]

Approved April 13, 1901.

Became a law April 13, 1901.

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TEXAS, SABINE VALLEY & NORTHWESTERN RAILWAY CO.,  
TEXAS & SABINE VALLEY RAILWAY CO., MARSHALL,  
TIMPSON & SABINE PASS RAILROAD CO.—  
AUTHORITY TO SELL PROPERTY  
AND FRANCHISES.

S. B. No. 273.]

CHAPTER IX.

An Act to authorize the Texas, Sabine Valley & Northwestern Railway Company, the Texas & Sabine Valley Railway Company and the Marshall, Timpson & Sabine Pass Railroad Company, or either of them, or any two of them, to sell their railroads, together with all their property, franchises and rights, incident or appertaining thereto, to any railroad corporation to be chartered for the purpose of building and constructing a railroad from either the terminus of the Texas & Sabine Valley Railway at Boren, in Panola county, Texas, by way of Teneha, in Shelby county, Texas, through the counties of Panola, Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, or from the terminus of the Marshall, Timpson & Sabine Pass Railroad at Timpson, Shelby county, Texas, through the counties of Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, and from the terminus of the Texas, Sabine Valley & Northwestern Railway at Longview, in Gregg county, Texas, through the counties of Gregg, Upshur, Camp, Wood, Franklin, Hopkins, Delta and Lamar, in Texas, to some point on the line between Texas and the Indian Territory, and to authorize the new company to purchase the railroads, property, rights and franchises of either one, two, or all of said railway companies; the purchasing company to assume all the obligations of the selling companies except their bonded indebtedness, and to prescribe the conditions and terms of the sale, and to authorize the selling companies to execute all necessary contracts, agreements and conveyances to accomplish the purchase and sale, and to allow the purchasing company to build and construct branch lines to its line of railway by amendments to its charter in accordance with law.

Whereas, the same persons are the owners of practically all the stock of the Texas, Sabine Valley and Northwestern Railway Company, the Texas and Sabine Valley Railway Company, and the Marshall, Timpson and Sabine Pass Railroad Company, and that said Texas, Sabine Valley and Northwestern Railway extends from a point at Longview, in Gregg county, Texas, through the counties of Gregg, Harrison, Rusk and Panola, in Texas, to a point at Carthage, in Panola county, Texas, a distance of about thirty-eight miles, and that said Texas and Sabine Valley Railway extends from the terminus of the Texas, Sabine Valley and Northwestern Railway at Carthage, in Panola county, Texas, to Boren, in Panola county, Texas, a distance of about two miles, and that said Marshall, Timpson and Sabine Pass Railroad extends from the terminus of the Texas, Sabine Valley and Northwestern Railway at Carthage, in Panola county, Texas, through the counties of Panola and

Shelby to Timpson in Shelby county, Texas, a distance of about twenty miles, and,

Whereas, the stockholders owning the stock of the Texas, Sabine Valley and Northwestern Railway Company, the Texas and Sabine Valley Railway Company and the Marshall, Timpson and Sabine Pass Railroad Company are desirous of extending their railroad by constructing a railroad either from the terminus of the Texas and Sabine Valley Railway at Boren in Panola county, Texas, through the counties of Panola, Shelby, San Augustine, Jasper, Orange and Jefferson counties, in Texas, to some point in Texas on the Gulf of Mexico, or from the terminus of the Marshall, Timpson and Sabine Pass Railroad at Timpson in Shelby county, Texas, through the counties of Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, and from the terminus of the Texas, Sabine Valley and Northwestern Railway at Longview, in Gregg county, Texas, through the counties of Gregg, Upshur, Camp, Wood, Franklin, Hopkins, Delta and Lamar, in Texas, to some point on the line between Texas and the Indian Territory, and

Whereas, in order to effect this extension the stockholders of the Texas, Sabine Valley & Northwestern Railway Company, the Texas & Sabine Valley Railway Company, and the Marshall, Timpson & Sabine Pass Railroad Company are desirous of selling the rights, franchises and property of the said companies to some railroad company to be organized for the purpose of building and constructing a railway from either Boren, in Panola county, Texas, through the counties of Panola, Shelby, San Augustine, Jasper, Orange and Jefferson, to some point in Texas on the Gulf of Mexico, or from Timpson, in Shelby county, Texas, through the counties of Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, and from Longview, in Gregg county, Texas, through through the counties of Gregg, Upshur, Camp, Wood, Franklin, Hopkins, Delta and Lamar, in Texas, to some point on the line between Texas and the Indian Territory, and

Whereas, if an extension should be built and constructed over the proposed route from the terminus of the Texas & Sabine Valley Railway from Boren, in Panola county, Texas, the angle formed by such extension with either the Marshall, Timpson & Sabine Pass Railroad or the Texas, Sabine Valley & Northwestern Railway, would be greater than twenty-five degrees, and

Whereas, the said railway companies have duly given notice of their intention to apply to the Legislature of the State of Texas for the passage of this special law by having a statement of the substance thereof duly published as required by the Constitution and laws of this State; and the evidence of such notice having been so published, has been duly exhibited and shown to the Legislature; now therefore

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The Texas, Sabine Valley & Northwestern Railway Company, the Texas & Sabine Valley Railway Company, and the Marshall, Timpson & Sabine Pass Railroad Company (all corporations organized and existing under the laws of this State), or either of them, or any two of them, are hereby authorized and empowered to sell, transfer and convey their railroads and all property, real, personal and mixed, franchises and rights, incident or appertaining thereto to any railroad

company obtaining a charter to build and construct a railroad from either the terminus of the Texas & Sabine Valley Railway at Boren, in Panola county, Texas, by way of Teneha in Shelby county, Texas, through the counties of Panola, Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, or from the terminus of the Marshall, Timpson & Sabine Pass Railroad at Timpson, in Shelby county, Texas, through the counties of Shelby, San Augustine, Jasper, Orange and Jefferson, in Texas, to some point in Texas on the Gulf of Mexico, and from the terminus of the Texas, Sabine Valley & Northwestern Railway at Longview, in Gregg county, Texas, through the counties of Gregg, Upshur, Camp, Wood, Franklin, Hopkins, Delta and Lamar, in Texas, to some point on the line between Texas and the Indian Territory, and said new railroad corporation is hereby authorized and empowered to purchase the railroads heretofore mentioned and all property, real, personal and mixed, and all franchises and rights incident or appertaining thereto, and when the said property is so purchased the said purchasing company shall, and it is hereby authorized to own and operate the same under its charter as a part of its own line, and shall have the right by amendment to its charter made under the General Laws of this State, to extend and construct branches to the lines of railroad hereinbefore mentioned, or to the extensions thereof in accordance with the laws of this State; and power is hereby conferred upon each and all of said railway companies to make all necessary contracts and conveyances to accomplish such sale and purchase.

SEC. 2. The sale and purchase herein authorized to be made shall be subject to all just and legal suits or actions for debt and for damages, rights of way, judgments and debts contracted or incurred by any one of the railway companies herein named, except that no bonded indebtedness, or suit thereon, existing against any one of the railway companies herein named at the time of the sale and purchase shall be assumed by the purchasing company, and such bonded indebtedness shall not be a debt against the new company, and shall not be a lien on any of the property of the new company except such property as it has a lien on prior to the sale and purchase; all other indebtedness or liabilities outstanding against either of the railway companies at the time of the sale and purchase, except the bonded indebtedness, is to be assumed by the purchasing company.

SEC. 3. The owners of the stock of the said companies making the sales may accept the stock in the purchasing company as compensation for the property so conveyed, if they so desire.

SEC. 4. The sale and purchase herein authorized shall be valid and binding only when approved by the assent of the holders of at least four-fifths of the outstanding capital stock of the company or companies selling, and four-fifths of the outstanding capital stock of the company purchasing, given in writing, or at a meeting of the said stockholders of the said railway companies, respectively, and certified copies of the records of the proceedings of such corporate meetings authorizing the same under the hands of the secretaries of said railway companies, and the corporate seal of said companies shall be filed with the Secretary of State of this State; provided that the sale and conveyance contemplated by this act shall not be valid unless the purchasing company, (if it extends its road from Boren, in Panola county, Texas,) shall complete



said road and put it in good running order to the town of Teneha, in Shelby county, Texas, within two years from the time this act shall take effect, or, if said extension shall be made from Timpson, in Shelby county, Texas, or from Longview, in Gregg county, Texas, said company shall construct its said extension a distance of at least fifteen miles within said two years.

The fact that important public interests are to be subserved by the passage of this act, and that a necessity exists for the immediate building of railroads in the counties mentioned in this act, so as to improve the transportation facilities in such counties, and the great number of bills now pending before the Legislature, creates an imperative public necessity and an emergency which justifies a suspension of the constitutional rule requiring bills to be read in each house on three several days, and such rule is therefore so suspended and that this act take and be in force from and after its passage, and it is therefore so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by vote, yeas 19, nays 3; and passed the House of Representatives, no vote given.]

Approved April 15, 1901.

Takes effect 90 days after adjournment.

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## DALLAS—AMENDMENT TO CHARTER.

S. B. No. 258.]

### CHAPTER X.

An Act to amend the charter of the city of Dallas entitled "An Act to incorporate the city of Dallas and to grant it a new charter," approved May 9th, 1890, as amended by an act entitled "An Act to amend Sections 12, 56, 77, 119 and 120 of "An act to incorporate the city of Dallas, and to grant it a new charter, approved May 9, 1899, passed by the First Called Session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements and paying the cost of the same, by adding to said city charter of the city of Dallas, Sections 1a to 30a inclusive, and by repealing all laws and parts of laws in conflict with such added sections, and to declare an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1a. That an act entitled "An Act to incorporate the city of Dallas and to grant it a new charter," approved May 9, 1899, as amended by an act entitled an act to amend Sections 12, 56, 77, 119 and 120 of "An Act to incorporate the city of Dallas, and to grant it a new charter, approved May 9, 1899, passed by the First Called Session of the 26th Legislature, be and the same is hereby amended by adding thereto Sections 1a to 30a, inclusive, of this act.

Section 2a. Whenever the city council shall deem it necessary to grade, fill, raise, repair, macadamize, remacadamize, pave, repave or otherwise improve any avenue, street or alley, or portion thereof, or to make, repair or improve any gutter or gutters, curb or curbs, or sidewalk or sidewalks on any avenue, street or alley, or portion thereof, and shall be of the opinion that certain real estate abutting on or in the vicinity

of such proposed improvement or improvements will be specially benefited thereby, and shall deem it just for the owner or owners of such real estate so specially benefited to pay the cost of such proposed improvement or improvements, or a portion of such cost, the city council shall by resolution so declare, such resolution to define the limits within which all real estate will be so specially benefited by such proposed improvement or improvements. All real estate within such limits, as such limits may be finally established as hereinafter provided, shall be known as an improvement district, and when so established, shall be designated by a certain number.

Section 3a. An improvement district shall include all such real estate, and only such real estate, as in the opinion of the city council will be specially benefited by such proposed improvement or improvements, in proportion to its value, and to an amount at least as great as its pro rata of the cost of such proposed improvement or improvements, or so much of such cost as shall be paid solely by the owners of the real estate within such improvement district.

Section 4a. Such resolution of the city council, hereinbefore provided for, shall also specify the general nature and character of the proposed improvement or improvements and shall direct the city engineer to prepare and submit to the city council an estimate of the cost of the same.

Section 5a. Such resolution of the city council, hereinbefore provided for, shall also direct the city tax assessor to report in writing to the city council the total assessed value of all the real estate within such improvement district, according to the last annual assessment.

In case the records of the city tax assessor do not show the assessed value of all the real estate within such improvement district, the city tax assessor shall estimate the actual value of all such real estate within such improvement district whose assessed value is not separately shown by his records, and shall include such estimated value in his report hereinbefore provided for.

Section 6a. The reports of the city engineer and the city tax assessor hereinbefore provided for shall be advisory only, their purpose being to furnish the city council with information that will aid the city council in finally determining whether or not such proposed improvement or improvements shall be made, and how and by whom the cost of the same shall be paid; and no errors or omissions in such reports, or either of them, shall validate any of the proceedings of the city council, or any proceedings that may be had under the order or authority of the city council.

Section 7a. After receiving and considering the reports from the city engineer and city tax assessor hereinbefore provided for, if the city council is then of the opinion that the proposed improvement or improvements should be made, the city council shall direct the city engineer to prepare complete specifications for the same, which specifications shall prescribe the manner in which the work shall be done, and the nature, quality and character of the materials to be used, and shall also contain such other provisions as the city council may deem proper. When such specifications are submitted to the city council by the city engineer, they may be amended by the city council to whatever extent may be deemed proper, subject to the provisions of this act, and may then be adopted by the city council. If a majority in value of the resident real estate owners within

any such improvement district shall in writing petition the city council to make any such improvement or improvements according to specifications or of materials designated in such petition, or shall by petition specify how the cost of the same taxable against the owners of real estate within such improvement district shall be paid, within the authority and the limitations prescribed by this act, it shall be mandatory on the city council, if such improvement or improvements shall be made at all, to comply with such petition, and, in that event, such improvement or improvements shall be made of the materials and according to the specifications designated in such petition, the city council to have the power to add such details and other provisions to such specifications, not inconsistent with such petition, as the city council may deem proper.

Section 8a. Before the construction of such proposed improvement or improvements shall be finally ordered, and subject to the provisions of this act, the city council shall by resolution or otherwise determine how the cost of the same shall be paid, whether wholly by the owners of the real estate within such improvement district, or in part by such owners and in part out of the general revenues of the city or other revenues or resources that may be properly appropriated for that purpose.

Section 9a. After the proceedings hereinbefore provided for the city council shall cause at least ten days notice to be given to all persons and corporations owning any real estate within such improvement district, or any interest in such real estate and any and all other persons and corporations in any way interested in such proposed improvement or improvements, or in the manner in which the cost of the same is to be paid, which notice shall briefly state the nature of such proposed improvement or improvements, and shall refer to the specifications for further particulars, and shall state the limits of such improvement district, and shall notify all such persons and corporations to file in writing with the city secretary any objections they may have either to the making of such improvement or improvements, or to the manner in which the cost of the same is to be paid, or to the manner in which said improvement district is constituted, or any other objections any such persons or corporations may desire to present. Such notice shall state the time when such objections shall be filed, which time shall be after the final publication of such notice, and such notice shall be served by causing the same to be published for at least ten days in a daily newspaper of general circulation in the city. A newspaper published on all week days but not on Sunday shall be deemed a daily newspaper within the meaning of this act.

Section 10a. At any regular or adjourned meeting of the city council, or any special meeting called for that purpose, after the lapse of the time provided for receiving objections as hereinbefore provided, the city council shall hear and determine all objections that may have been filed, and such hearings may be continued from time to time until all such objections are fully considered and disposed of. At such hearing or hearings full opportunity shall be given to the parties filing such objections, to present the same to the city council, together with any proper evidence in support of such objections that they may desire to offer, and the city council shall thereupon make such orders and directions on such objections as may be just and proper, and any and all objections not so presented shall in any subsequent judicial or other proceedings be considered as waived.

Section 11a. If it shall appear from such objections filed that the owners of two-fifths in value of real estate within such improvement district are opposed to the making of such improvement or improvements, the cost of which is to be charged in whole or in part against them, in that event the city council shall so declare, and shall not order said improvement or improvements made. If a majority in interest shall fail to object, in the time and manner hereinbefore specified, the city council shall have the power to order such improvement or improvements made, and to provide for the payment of the cost of the same as provided in this act, and as otherwise provided in said city charter.

Section 12a. If it shall appear upon the hearing of such objections that any real estate within such proposed improvement district will not be specially benefited by such proposed improvement or improvements in proportion to its value, and to an amount at least as great as its pro rate of the cost of such proposed improvement or improvements (or its pro rate of so much of such cost as is to be paid by the owners of the real estate within such improvement district), in either of such events such real estate shall be excluded from such proposed improvement district, and the remaining real estate shall be constituted and established as such improvement district. If no such objections shall be made, or if no such objections that are made shall be sustained, in either of such events the real estate within the limits originally proposed shall be constituted and established as such improvement district.

Section 13a. No real estate of any kind within any such improvement district shall be exempt from any of the taxes, assessments and charges authorized by this act.

Section 14a. After hearing and disposing of any and all objections, remonstrances and petitions that may have been filed in accordance with Sections 9a, 10a, 11a, and 12a of this act, and after finally settling the limits of such improvement district, and after adopting the specifications for such improvement or improvements, and after determining how the cost of the same shall be paid, the city council shall order an advertisement for sealed bids for the work. Such advertisement shall be published for at least ten days in some daily newspaper designated by the city council, having a general circulation in the city of Dallas, and may also be otherwise and elsewhere published if the city council shall so direct, and such advertisement shall state when and where bids shall be received, and shall contain such other information and direction as may be deemed proper. All bids shall be opened at a regular or special public session of the city council, and in the presence of such bidders or their agents or representatives as desire to attend. The contract for the work shall be awarded by the city council to the bidder whose bid is in their judgment most advantageous to the city and to the property owners who are to contribute to the payment of the cost of the work. The city council shall have the power in its discretion to reject any or all bids, or parts of bids, and shall reject any bid or bids if requested so to do by written petition of a majority in value of the real estate owners within such improvement district, and one week shall be allowed after opening bids for the filing of any such petition or petitions.

Section 15a. At any time within one week after the contract for the work has been awarded by the city council, any person or persons, corporation or corporations having any interest in any real estate within

such improvement district, or otherwise having any financial interest in such improvement or improvements or in the manner in which the cost of the same is to be paid, and who desire to contest on any ground or grounds whatsoever, the validity of any of the proceedings that may have been had or ordered, or the validity of the lien for the cost or any part of the cost of any such improvement or improvements upon any property that the city council may have declared to be subject to such lien, may institute suit for that purpose in any court of competent jurisdiction.

Any person or persons, corporation or corporations, who shall fail to institute such suit within one week after such contract has been awarded, or who shall fail to diligently prosecute in good faith any such suit to final judgment, shall be forever barred and estopped from making any such contest or contests, and this estoppel shall also bind their heirs, successors, executors, and administrators and assigns. The city of Dallas and the person or persons to whom the contract has been awarded shall be made defendants in any such suit, and such other parties may also be joined as plaintiffs or defendants as may be proper. The plaintiff or plaintiffs in any such suit shall, when the suit is instituted, also file a bond with at least two good and sufficient sureties, to be approved by the clerk or judge of the court where such suit is filed, payable to the defendants, conditioned that the plaintiffs will diligently and in good faith prosecute such suit to final judgment, and will abide the judgment, sentence or decree of the court. If, upon final hearing, the judgment shall be against the plaintiff or plaintiffs in such suit, he or they, and the sureties on said bond, shall be liable to defendants for all costs, damages, and reasonable expenses and attorneys fees that may have been incurred on account of such suit, and the same may be recovered either by cross-action in the same suit, or by an independent suit, as defendants may elect. There shall be attached to plaintiff's petition in such suit an affidavit to the truth of the matters alleged in the petition, and that such suit is brought in good faith, and not to injure or delay the city or the contractor of any real estate owners within such improvement district. Unless the provisions of this section are complied with by plaintiff or plaintiffs, such suit shall be dismissed on motion of defendant or defendants, and in that event plaintiff or plaintiffs shall be barred and estopped to the same extent as if such suit had not been filed.

Section 16a. If within one week after the awarding of the contract any such suit or suits shall be brought, as provided in Section 15a, the performance of the work shall be suspended, at the election of either the city or the contractor, until such suit shall be finally determined in the court of original jurisdiction or any appellate court to which the same may be taken by appeal or writ of error; provided, that any appeal shall be perfected within ten days after final judgment in the court of original jurisdiction, and no appeal or writ of error to review the judgment of such court shall be thereafter taken or sued out by either party, and any such suit shall be entitled to precedence in the courts of this State, both of original and appellate jurisdiction, and shall be heard and determined as promptly as practicable; and to that end, in case of an appeal, either party may, as soon as practicable, cause a transcript of the record to be filed in the proper Court of Civil Appeals and move for an order setting said cause for an early hearing.

Section 17a. At or before the time the contract for the work is awarded the city council shall, by ordinance or resolution make due and proper provision for the payment of the costs thereof. The amount, if any, to be paid by the city at large, shall be duly appropriated for that purpose out of available funds or resources properly applicable thereto; and the amount to be paid by the owners of real estate within such improvement district, together with all interest that may accrue thereon, and the cost of levying, assessing and collecting taxes on such real estate, for the payment thereof, shall be declared a lien upon such real estate, and to be levied, assessed and collected from time to time, according to the assessed value of such real estate, until such amount and all interest thereon shall be fully paid and discharged.

Section 18a. The city of Dallas shall have the right, at the election of the city council and subject to the provisions of this act, and without any vote of qualified voters or taxpayers, except as provided in this act, to issue either street improvement district warrants or street improvement district bonds in payment for so much of the cost of the work as may be chargeable against the owners of real estate within such improvement district, or for the purpose of obtaining money to make such payment; and such warrants or bonds may be issued direct to the contractor in payment for the work, or such warrants or bonds may be sold, and the proceeds paid to the contractor in payment for the work. Whether bonds or warrants are issued in either event, no tax shall be levied for any one year on any real estate within such improvement district for the purpose of paying the same in whole or in part or any interest thereon, or for the purpose of providing for interest and a sinking fund, which, including all other city taxes, shall exceed two and one-half per cent. of the assessed value of such real estate; but, for the purposes aforesaid taxes, including all other city taxes, may be annually levied to an amount not exceeding two and one-half per cent. of such assessed value, without any vote of qualified voters or taxpayers, except as provided in this act. When bonds or warrants are issued direct to the contractor, they shall be issued in such denominations as the contractor may, in writing, request.

Section 19a. Bonds authorized by this act to be issued shall be payable, principal and interest, at such time and place and shall bear such rate of interest as the city council may direct. They shall state the purpose for which they are issued, and the number of the improvement district on account of which they are issued. They shall not be issued until the amount chargeable against the real estate within such improvement district shall be ascertained, and shall not be issued in excess of such amount. Due provisions shall be made to assess and collect annually upon and from the real estate within such improvement district, a sufficient amount to pay the interest thereon and create a sinking fund of at least two per cent. thereon.

Section 20a. Warrants authorized by this act to be issued may be issued, subject to the provisions of this act, in such denominations and bearing such rate of interest as the city council may direct. They may consist of different series, each series to mature annually until they all become due. Such series shall be so arranged that so far as practicable, in the judgment of the city council, the annual charge for interest and principal shall be approximately the same. Such warrants may be

divided into as many annual series as the city council may direct. They shall state the purpose for which they are issued, and the number of the improvement district on account of which they are issued. They shall not be issued until the amount chargeable against the real estate within such improvement district shall be ascertained and shall not be issued in excess of such amount. Due provision shall be made to assess and collect annually upon and from the real estate within such improvement district a sufficient amount to pay the principal and interest on such warrants as they mature, which amount shall be not less than sufficient to pay the interest and at least two per cent. of the total principal of said warrant. Such bonds or warrants shall be in such form as the city council may direct or approve, subject to the provisions of this act, and shall be signed by the mayor and attested by the city secretary and the seal of the city, and shall be assignable, negotiable and collectible in all respects as other valid obligations of the city.

Section 21a. Any contract for the paving or repaving of any avenue, street or alley or portion thereof, shall provide that the contractor shall at his own cost and expense maintain such pavement in perfect repair for ten years from and after the completion and acceptance of the work, and at the same time the contractor shall execute to the city of Dallas a bond with an approved surety company as surety, in an amount equal to at least twenty per cent. of the total contract price, conditioned for the full and faithful performance of such contract by the contractor; and as additional security for the full and faithful performance of such contract by the contractor, the city of Dallas shall retain for ten years, fifteen per cent. of the total contract price, to be invested in interest-bearing bonds or warrants of the city of Dallas, selected by the contractor, or in other interest-bearing securities satisfactory to the contractor and the city of Dallas, the periodical interest to be paid to the contractor as long as he complies with the terms of such contract and maintains such pavement in perfect repair. Suit may be brought from time to time by the city of Dallas on such contract and bond, for successive breaches of the same, but no person or corporation, other than the city of Dallas, shall have any cause of action against the contractor or the surety or sureties on his bond on account of any alleged breach of contract or bond.

Section 22a. The city council shall have the power to determine any and all questions of fact necessary to the exercise and discharge of its duties and powers, and it shall be presumed that all such questions of fact have been properly determined in such a manner as to support the validity and regularity of any and all proceedings of the city council.

Section 23a. For all tax purposes real estate shall be deemed sufficiently and legally described if the description of the same is sufficient to identify the same with reasonable certainty, and the failure to state the name of the owner, or any error in stating the owner's name, shall not invalidate any assessment, or any proceedings in reference to any tax or the collection of the same; and the city council shall have the power by ordinance or resolution, to make provisions for the brief and certain description of real estate for purposes of taxation.

Section 24a. If in the construction of sidewalks, curbs or other street improvements any owner of any real estate in any improvement district shall have improved his own property in such manner that his improvement may properly be made a part of the general improvement of the

kind in the district, the city engineer shall appraise its value, and such appraisement shall be submitted to the city council for approval or revision, and the value of the same as approved by the city council shall be allowed as a set-off against the assessments against his said property to pay for such improvement or improvements.

Section 25a. It shall be lawful for separate contracts to be made at the same time or at different times, for different kinds of street improvements in any district; that is to say, one contract for paving, another contract for sidewalks or for curbs, or two or more kinds of such improvements may be embraced in one contract. It shall also be lawful to organize street improvement districts for one or more kinds of street improvements, and the boundaries of a district organized for the construction of one or more kinds of street improvements may overlap in whole or in part the boundaries of a district or districts organized for the construction of a different kind or kinds of street improvement.

Section 26a. Nothing in this act shall be construed as repealing Sections 54, 59, 116 and 118 of said city charter of the city of Dallas, but said sections are expressly continued in force.

Section 27a. The provisions of the city charter of the city of Dallas limiting the bonded debt of the city shall not apply to street improvement district bonds or warrants issued under the provisions of this act.

Section 28a. All laws requiring the registration of city bonds with the Comptroller of the State, and the approval of such bonds by the Attorney General of the State, and regulating and determining the effect of such registration and approval, shall apply to street improvement district bonds and warrants issued under the provisions of this act.

Section 29a. All laws and parts of laws in conflict with any of the provisions of this act are hereby repealed.

Section 30a. The fact that there is no effective and just law enabling the city of Dallas to make necessary street improvements, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 0; and passed the House of Representatives by two-thirds vote, yeas 94, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 3rd day of April, A. D. 1901, but was not signed by him, nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Became a law ———, 1901.



## BRYAN—AUTHORITY TO DISPOSE OF CERTAIN LANDS.

H. B. No. 484.]

## CHAPTER XI.

An Act to authorize the city of Bryan to dispose of certain public grounds within  
said city.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the city of Bryan be and it is hereby authorized to sell and convey the public grounds within said city described as follows, to-wit:

1st. All that lot or parcel of land lying between the Houston & Texas Central Railroad track and the track of the Calvert, Waco & Brazos Valley Railroad Company, and bounded on the north by the property of the Bryan Compress Company, and on the east by the said Houston & Texas Central Railroad track, and on the west and south by the track of the Calvert, Waco & Brazos Valley Railroad Company.

2nd. All that lot or parcel of property bounded on the west by the Houston & Texas Central Railroad track, and on the east by Lower Cheap Side street and on the south by the old corporation line, and on the north by Fannin street.

3rd. All those certain lots or parcels of land bounded on the south by Austin street, and on the east by the Houston & Texas Central Railroad track, on the north by Jefferson street, and on the west by city blocks Nos. 104, 105, 106, 260 Bryan street, and block No. 107.

4th. Also all that certain lot or parcel of land bounded on the south by Fannin street, on the east by Houston & Texas Central Railroad property, on the north by Anderson street, and on the west by Main street. All of said property situated within the corporate limits of the city of Bryan, Brazos county, Texas.

SEC. 2. The crowded condition of the calendar and the fact that this bill will allow the city of Bryan to sell certain property belonging to said city, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the same is so suspended, and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and reported to the Senate where same was amended and passed, no vote given; House concurred in Senate amendments, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 8th day of April, A. D. 1901, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—JOHN G. TOD, Secretary of State.]

Takes effect 90 days after adjournment.

## GALVESTON—GRANTING IT A NEW CHARTER.

H. B. No. 224.]

CHAPTER XII.

An Act to incorporate the city of Galveston and to grant it a new charter: and to repeal all pre-existing charters.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That all the inhabitants of the city of Galveston shall continue to be a body politic and corporate, with perpetual succession, by the name and style of the "City of Galveston," and as such they and their successors by that name shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city, and herein granted and conferred; and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, not inconsistent with this act, and may ordain and establish such acts, laws, regulations and ordinances, not inconsistent with the Constitution and laws of this State, as shall be needful for the government, interest, welfare and good order of said body politic; and under the same name shall be known in law; and be capable of contracting and being contracted with, suing and being sued, implead and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatever; may take, hold and purchase, lease, grant and convey, such real and personal or mixed property or estate as the purposes of the corporation may require, within or without the limits thereof; and may make, have and use a corporate seal, and change and renew the same at pleasure.

SEC. 2. That the limits of said city shall embrace so much of the Island of Galveston from the point thereof on the east to Fifty-sixth street, or to include the league and labor of land known as the Menard grant; provided, that said league and labor shall extend beyond Fifty-sixth street; thence to include Galveston Bay and Pelican Island, and one mile north thereof; and the waters of the Gulf of Mexico extending south one marine league from the shore, from the channel and anchorage on the eastern end of Galveston Island to the western boundary of the city, so as to extend the police authority and jurisdiction, inclusive of Pelican Island, over all the area and territory aforesaid; provided, nevertheless, that jurisdiction shall extend from the eastern boundary of said city over all real estate beyond said limits purchased or in any manner acquired by said city for the use of the corporation; and provided, furthermore, that all the municipal regulations of said city shall apply to, extend and be in full force over the harbor and anchorage of Galveston, and to the bar at the entrance of said harbor; and the corporate authority and jurisdiction shall extend from the eastern boundary of said city over the east end of Galveston Island, and over all real estate beyond said limits purchased or in any manner acquired by said city for the use of the corporation; and provided further, that the said limits may be hereafter extended, including and adding more territory to the same, whenever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city; and provided, further, that neither the corporate limits nor the jurisdiction of said city

shall extend to any point of the mainland so as to interfere or conflict in any wise with the riparian rights and privileges of the owners of the mainland, or any part thereof bordering upon the waters of said bay; and provided, further, that the jurisdiction of said city shall not extend over Bolivar channel, except for police and sanitary purposes.

SEC. 3. The territory contained within the boundary of the city of Galveston shall be divided into 12 wards, as follows:

The first ward shall contain all the territory lying north of Avenue G and east of Thirteenth street.

The second ward shall contain all the territory lying north of Avenue G, between Thirteenth and Seventeenth streets.

The third ward shall contain all the territory lying north of Broadway, between Seventeenth and Twenty-first streets.

The fourth ward shall contain all the territory lying north of Broadway, between Twenty-first and Twenty-fifth streets.

The fifth ward shall contain all the territory lying north of Broadway, between Twenty-fifth and Twenty-ninth streets.

The sixth ward shall contain all the territory lying north of Broadway, between Twenty-ninth street and the western boundary of the city.

The seventh ward shall contain all the territory lying south of Broadway, between Twenty-ninth street and the western boundary of the city.

The eighth ward shall contain all the territory lying south of Broadway, between Twenty-fifth and Twenty-ninth streets.

The ninth ward shall contain all the territory lying south of Broadway, between Twenty-first and Twenty-fifth streets.

The tenth ward shall contain all the territory lying south of Broadway, between Seventeenth and Twenty-first streets.

The eleventh ward shall contain all the territory lying south of Avenue G, between Thirteenth and Seventeenth streets.

The twelfth ward shall contain all the territory lying south of Avenue G and east of Thirteenth street; provided, that the board of commissioners of said city shall have power from time to time by ordinance to cause a division of said city to be made into as many wards (not less than twelve) as they may deem necessary, and for the good of the inhabitants of said city.

SEC. 4. The waterworks and sewerage plants, fire engines, fire alarm telegraph system, hose and hose carriages, horses and wagons, engine houses, school houses, public buildings, public squares, parks, promenades, wharves, streets, alleys, all stock and interest in any incorporated company, held or used for public purposes or in trust for the public, and all property which may have been granted or released to said city of Galveston by the State, through a general or special law or joint resolution of the Legislature, and any judgment or judgments or causes of action in favor of said city of Galveston, and the electric light plant or other plant used for public purposes, and all other property, real and personal, held, controlled or used by said city of Galveston for the purposes of government, including all property of whatsoever character or description, whether of the same nature or not as the property heretofore specified, which may have been held, controlled or used by said city of Galveston for public uses or in trust for the public, or which may have been vested in the city of Galveston under and by virtue of any laws of the State of Texas, shall vest in and remain and inure to the said corporation under this act.

SEC. 5. There shall be appointed by the Governor of the State, as soon as possible after the passage of this act, three commissioners, one of whom he shall select and designate as president of the board of commissioners provided for herein, and within ten days after the passage of this act it shall be the duty of the commissioners court of Galveston county to order an election to be held in the city of Galveston, at which election the qualified voters of the city of Galveston shall select two other commissioners, who, together with the three commissioners appointed by the Governor, shall constitute the board of commissioners of the city of Galveston.

In ordering such election, the commissioners court shall determine the time and the places in the city of Galveston for holding such election, and the manner of holding the same shall be governed by the laws of the State regulating general elections. Each of said five commissioners shall be over the age of 25 years, citizens of the United States and for five years immediately preceding their appointment or election residents of the city of Galveston. Each of said five commissioners shall hold office for two years from and after the date of his qualification and until his successor shall have been duly appointed or elected, as the case may be, and duly qualified.

Said board of commissioners shall constitute the municipal government of the city of Galveston.

SEC. 6. The first president and the other members of the first board of commissioners appointed and elected under this act, shall be held and deemed, in law and in fact, the successors of the mayor and aldermen of said city of Galveston, and upon the qualification of said president and the other members of said board of commissioners, all the powers, rights and duties of the mayor and board of aldermen of the said city shall cease; and wherever the said city has heretofore, under the decree or judgment of any court, or under any law, ordinance or resolution, been entitled to representation through the mayor of said city and one or more of the aldermen thereof, on the board of directors of any incorporated company in which the said city may own stock or be interested, it shall hereafter be represented on any such board of directors by the president of said board of commissioners, and by two other members of said board, to be selected by said board.

SEC. 7. Said commissioners shall collectively constitute and be known as the "Board of Commissioners of the City of Galveston." They shall take an oath to faithfully perform the duties of their said office, and each shall receive as compensation for his said services the sum of five hundred (500) dollars per annum, payable in equal monthly installments, except that the president of said board shall receive a salary of three thousand (3000) dollars per annum, payable in equal monthly installments, and said president shall devote at least six hours a day to the duties of his office and to the affairs of said city.

SEC. 8. That each commissioner, before entering upon the duties of his office, shall give bond, payable to the Governor of the State, for the use and benefit of said city, in the sum of five thousand (5000) dollars, for the faithful discharge of his duty, with two or more good and sufficient sureties, to be approved by the county judge of Galveston county, and shall in addition to taking the oath prescribed by the Constitution of the State, also take an oath that he is not under any direct

or indirect obligation to appoint or elect any person to the office of policeman or fireman, or to any other office, position or employment under said government. The said commissioners shall by a majority vote of all the commissioners appointed and elected under this act have the power to appoint all officers and subordinates in all of the departments of said city, and to suspend and to discharge the same for cause, at will, under the limitations hereinafter provided. Each commissioner appointed by the Governor of the State shall qualify as provided by this section within ten days after his appointment, and each commissioner elected under the provisions of this act shall qualify, as provided by this section, within ten days after the delivery to him by the county judge of Galveston county of a certificate of his election.

SEC. 9. Any member of said board of commissioners who holds his office by virtue of appointment by the Governor of the State, may be removed by the Governor of the State for good and sufficient cause, to be spread on the records of his office, and to be reported by him to the next session of the Legislature thereafter. But in no case shall the Governor of the State remove the two commissioners, or either of them, that have been elected under the provisions of this charter. Such two members may be removed for the same reasons and in the same manner as county officers.

SEC. 10. Resignation by any of the commissioners appointed or elected under this act shall be made in writing to the Governor for his action, and resignation by any of the other officers of said city shall be made in writing to the said board of commissioners for their action thereupon. In case of the removal of any commissioner from the territorial limits of such city, such removal shall ipso facto be deemed to create a vacancy in the office of such commissioner. In case of the death, resignation, removal from office, or removal from the territorial limits of the said city of any member of the board of commissioners, appointed by the Governor, the Governor of the State upon being informed of the fact of such vacancy shall fill any such vacancy for the unexpired term by appointment. In case of the death, resignation, removal from office, or removal from the territorial limits of said city, of either or both of the two commissioners elected, any such vacancy shall be filled in the manner provided by the Constitution of this State, for filling vacancies in State or district offices other than members of the Legislature.

SEC. 11. Said board shall, at the first meeting after their qualification, or as soon thereafter as practicable, organize by the election of some competent man to be the secretary of said board, who shall keep the minutes and records of all their proceedings in a well bound book kept for that purpose, and shall perform such other duties as may be required of him by said board, and shall receive a salary not to exceed twelve hundred (1200) dollars per annum. The president of said board shall have the right to vote, as a member thereof, on all questions which may arise. Said board of commissioners shall have the power to summon and compel the attendance of witnesses, and the production of books and papers before them, whenever it may be necessary for the more effective discharge of their duties; and shall have the power to punish for contempt of said board with the same fines and penalties as the county judge may punish for contempt of the county court. All process necessary to enforce the powers conferred by this section shall

be signed by the president of the board, and attested by the secretary thereof, and shall be served by any member of the police force of said city.

SEC. 12. Said board of commissioners so constituted shall have control and supervision over all the departments of such city and to that end shall have power to make all such rules and regulations as they may see fit and proper, concerning the organization, management and operation of such departments; and shall have power, under such rules and regulations as they shall make, to appoint, and, for cause which to said board shall seem sufficient, and after an opportunity to be heard, to discharge all employes, including the chiefs of the departments respectively. Said commissioners shall have sole authority to pass and adopt all such rules and regulations concerning all of the departments of such city and the other agencies created by them for the administration of its affairs.

And in addition to the powers aforesaid, the said commissioners shall have the right, and it shall be their duty, by a majority vote of all the said commissioners appointed and elected, to designate from among their members one commissioner, who shall be known as "Police and Fire Commissioner," and who shall have under his special charge the enforcement of all police regulations of such city and general supervision over the fire department of such city; and one commissioner to be known as the "Commissioner of Streets and of Public Improvements," who shall have under his special charge the supervision of the streets and alleys of such city, and be charged with the duty of lighting such streets, and keeping the said streets and alleys in a clean and sanitary condition, and with the enforcement of all rules and regulations necessary to that end, for the preservation of the health of the inhabitants of such city, and who shall also have under his special charge the supervision of all public improvements, and shall see that all contracts therefor are faithfully complied with, and that the conditions of the grant of any franchise or privilege are faithfully complied with and performed; and one commissioner to be known as the "Waterworks and Sewerage Commissioner," who shall have under his special charge the waterworks and sewerage departments of such city, and shall see to the enforcement of all regulations with respect to said departments, and with respect to all the revenues pertaining thereto; and one commissioner who shall be known as the "Commissioner of Finance and Revenue," who shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind and the collection of all revenues belonging to such city, from whatsoever source the same may be derived; and who shall also examine into and keep informed as to the finances of such city.

SEC. 13. That the president of said board of commissioners shall be the executive officer of said city, and shall see that all the laws thereof are enforced. The commissioner named as the head of each department shall audit all accounts against it, but before payment they shall be acted upon and approved by at least two members of said board of commissioners. Said board shall require a statement to be published in January, April, July and October of each year, in the official newspaper of said city, showing a full, clear and complete statement of all taxes and other revenues collected and expended, indicating the respective source from which the moneys are derived, and also indicating the disposition made thereof. All legislative sessions of said board, whether regular or called, shall be open to the public.

SEC. 14. That whenever the president of the board of commissioners shall deem it necessary, in order to enforce the laws of the city, or to avert danger, or protect life or property, in case of a riot or any outbreak, or calamity or public disturbance, or when he has reason to fear any serious violation of law or order, or any outbreak, or any other danger to said city or the inhabitants thereof, he shall summon into service, as a special police force, all, or as many of the citizens as in his judgment and discretion may be necessary and proper; and such summons may be by proclamation or order, addressed to the citizens generally, or those of any ward of the city or subdivision thereof, or such summons may be by personal notification; such special police, while in service, shall be subject to the orders of the president of the board of commissioners, shall perform such duties as he may require, and shall have the same power while on duty as the regular police force of said city; and any person so summoned, and failing to obey, or appearing and failing to perform any duty that may be required by this act, shall be fined in any sum not exceeding one hundred dollars.

SEC. 15. In case the president of said board is unable to perform the duties of his office by reason of temporary or continued absence or sickness, the said board shall appoint, by ballot, by a majority vote of all the members thereof, one of their number to act in his stead, whose official designation shall be "Acting President of the Board of Commissioners," and the commissioner so appointed shall be invested with all the powers, and shall perform all the duties of the president of said board, during such absence or sickness, and shall receive the salary of the said president during such vacancy; provided, that it shall continue for ten days or longer, and during that time the president shall receive no salary.

SEC. 16. Said board of commissioners shall meet at least once every week in regular meeting, at such time as shall be fixed by said board, at the city hall or other designated place in such city, to consider and take under advisement and act upon, such business as may come before them. A majority of such board as appointed and elected shall constitute a quorum for the transaction of all business, but no action of said commissioners shall be effective unless upon a vote of a majority of such quorum; and no final action shall be taken in any matter concerning the special department of any absent commissioner, unless such business has been made a special order of the day, or such action is taken at a regular meeting of the board. Special meetings may be called by the president of such board, or by any two members thereof, at any time, to consider only such matters as shall be mentioned in the call for said meeting, and written notice thereof shall be given to each member of said board.

SEC. 17. The board of commissioners of such city shall be vested with the power and charged with the duty of making all laws or ordinances not inconsistent with the Constitution and laws of this State, touching every object, matter and subject within the local government instituted by this act.

Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage thereof, be published in every issue of the official newspaper for ten (10) days successively (excluding Sundays) and proof of such publication by the printer or publisher of such newspaper made before any officer authorized to administer oaths, and filed with the secretary of the board of commis-

sioners or any other competent proof of such publication shall in all courts be conclusive evidence of the legal publication and promulgation of such ordinances.

Ordinances passed by the board of commissioners and requiring publication, shall take effect and be in force from and after the tenth publication thereof, unless it be otherwise expressly provided in such ordinance. Ordinances passed by the board of commissioners, and not requiring publication, shall take effect and be in force from and after their passage, unless it shall therein otherwise expressly be provided.

SEC. 18. The style of all ordinances shall be "Be it ordained by the Board of Commissioners of the city of Galveston," but said caption may be omitted when said ordinances are published in book form, or are revised and digested.

SEC. 19. The board of commissioners at their first meeting after their qualification, or as soon thereafter as possible, shall select the following officers, to-wit: A treasurer; an attorney; a recorder; an assessor and collector of taxes; a chief of police; a chief of the fire department; and if deemed necessary by said board also an assistant chief of the fire department; an engineer, who shall also be superintendent of streets; an inspector of buildings; an auditor; a health physician; a harbor master; a sexton; a superintendent of the waterworks; and an engineer of the waterworks; and such other officers and agents as said board of commissioners shall direct. All said officers so elected shall hold their offices for two years, and until the election and qualification of their successors, unless removed by the said board of commissioners, under the authority vested in it by this act.

The treasurer shall give bond, in such amount and in such form as may be required by the said board, in a sum not less than one hundred thousand (100,000) dollars, and with two or more good and sufficient sureties, to be approved by the president of the board and the commissioner on finance and revenue, said bond to be conditioned for the faithful discharge of his duties. It shall be his duty to receive and keep, as herein provided, all money belonging to said city, and to pay out the same only on warrants drawn by the auditor, and signed by the president of said board, and countersigned by the commissioner of finance and revenue under the seal of said board, and not otherwise. All moneys belonging to said city, and received by any officer or agent thereof, either from collections, fines or any other sources whatsoever, shall be by him deposited with the said treasurer daily. For all moneys received, the treasurer shall give duplicate receipts in all cases, one to the party paying the said money into the treasury and one for the auditor. All persons charged with the collection of any money under this act, or ordinances passed in pursuance thereof, shall promptly pay the same over to the treasurer, under such penalty as may be prescribed by ordinance, and shall forthwith hand the treasurer's receipts to the auditor, who shall countersign the original receipt, and retain the duplicate; and the party paying shall then hold said original receipt. Said treasurer shall render a full and correct statement of his receipts and payments to the board of commissioners at the first regular meeting of the board of commissioners in each month, and whensoever at other times he may be required by any member of said board so to do.

The board of commissioners shall have the right to require of the treas-



urer a new bond, whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved in the manner aforesaid.

The said treasurer shall make daily deposits of such sums of money as shall be received by him from all sources of revenue, whatsoever, to his credit as treasurer of said city, in one or more banks situated in said city, to be selected by the president of said board of commissioners, the commissioner of finance and revenue, and the treasurer of such city, or by any two of them, and any such bank, before any such deposit is made therein, shall be required to enter into an obligation with the said board of commissioners to pay into the treasury of such city interest on the monthly balances of such deposits at a rate to be fixed by the president of said board of commissioners, the commissioner of finance and revenue, and the treasurer, or by any two of them, and which rate may be changed in the same manner—such rate to be not less than three (3) per centum per annum, and shall also execute a good and sufficient bond, with sureties to be approved by the president of said board of commissioners, and conditioned that such bank will safely keep and account for, and pay over said money. Said president of the board of commissioners, the commissioner of finance and revenue, and the treasurer, in the selection of any such depository bank, shall take into consideration the reputation and solvency thereof, and the sufficiency of the security offered by such bank. All interest paid by any such bank upon such balances shall be collected by the treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as part of the general fund of such city, subject to use for any legitimate municipal purpose; and said treasurer shall do and perform such other acts as such board of commissioners may require of him, and for all such services he shall receive such salary as may be fixed by the board, not exceeding the sum of twelve hundred dollars (1200) per annum, payable in equal monthly installments.

The assessor and collector shall make up all the assessments of all property for taxation in said city, including the license and occupation taxes, and make rolls thereof, and on completion of the said rolls he shall report the same to said board of commissioners for their action. It shall be the duty of said board, or a committee thereof, designated for that purpose, one of whom shall be the commissioner of finance and revenue, to, as soon as the assessment rolls of taxes due the city are completed, sit as a board of equalization, to equalize the taxes assessed on said rolls; and in addition to the powers granted them by this act, they shall also have the same powers and perform the same duties as the county commissioners courts of this State in regard to the assessment of property for taxation, and the equalization thereof, and shall be governed in their procedure and acts in this respect as is now provided by the laws of this State relating to the equalization of State and county taxes by the said commissioners courts; provided, however, that said board shall not sit for more than thirty (30) days in performing the duties herein described. It shall also be the duty of the said assessor and collector to make out a list of all property, real and personal, which has not been given in for assessment, according to the provisions of this act, and ordinances made in pursuance thereof, and to assess the same in the name of the owner, if he be known, and if not, then it shall

be assessed by description of the property, and by the name of the last known owner; and the value of such property shall be determined by said board of commissioners, sitting as a board of equalization; and such action may be taken to enforce the collection of taxes so assessed, if the same are not paid, as is herein prescribed for the collection of taxes on property given in for assessment. It shall also be the duty of the assessor and collector, at the expiration of the time fixed by ordinance, for the rendition of property, to ascertain what property subject to taxation shall be by him presented to said board of commissioners for equalization and valuation by said board, and the same shall by him be entered in a supplement to the assessment rolls as "unknown," specifying the year for which said tax is not paid within the time prescribed by law, and such proceedings may be had to enforce the collection of taxes on such property as are by the terms of this act provided for with respect to property which has been given in for assessment. Said assessor and collector shall also collect all taxes levied by this act, including any tax levied for public schools, and in the collection of the same in the event of non-payment, he shall proceed in accordance with the provisions of the laws of the State governing the collection of taxes, and shall have the right to employ said remedies to enforce such collections. He shall give bond in such amount and in such form as said board of commissioners may provide, in a sum not less than twenty-five thousand (25,000) dollars, with two or more good and sufficient sureties, to be approved by the president of said board and the commissioner of finance and revenue; and the board of commissioners shall have the right to require a new bond whenever in their opinion the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved, in the manner aforesaid. He shall daily pay over to the treasurer all money by him collected, and shall report to said board of commissioners at the first meeting of that body in every month a full statement of all moneys so collected and paid over by him and shall perform all such other duties, and in such manner, according to such rules and regulations, as the said board of commissioners may prescribe. He shall receive for his services an annual salary not to exceed the sum of eighteen hundred (1800) dollars. He is authorized to require the owners of all property subject to taxation to render a correct account of the same under oath, which shall be administered by him.

It shall be the duty of the attorney to represent the said board of commissioners in all cases brought for or against said city in the courts of the State or of the United States in the county of Galveston or elsewhere, and in the corporation court of said city. When requested by the said board of commissioners, or any member thereof, he shall in writing give legal advice on all questions that may be referred to him, and shall also in writing advise the officers of said city as and when he may be called on for said advice. He shall, when requested, prepare all ordinances; and examine, supervise, prepare, and approve as to form, all contracts made by or with the said board of commissioners. He shall receive an annual salary not to exceed twelve hundred (\$1200) dollars, and such commissions as may be allowed by said board of commissioners; provided, that no commissions shall be allowed said attorney for the collection of taxes except in such suits as may be designated to be brought

by the commissioner of finance and revenue, and in such cases no commission shall be allowed exceeding five (5) per cent on the amount of taxes collected after the institution of such suits. He shall give bond for the faithful performance of his duties in the sum of five thousand (5000) dollars.

It shall be the duty of the auditor to examine in detail all bills, accounts and claims against the said city, and if found correct sign his name in approval thereof, but if found incorrect he shall return them to the party presenting the same for correction. He shall be the general accountant of the said city, and shall keep in books regular accounts of all real, personal or mixed property of the said city; of all receipts and disbursements of money; and under proper heads, separately, each source of receipt and the cause of each disbursement; and shall also keep an account with each person, including the officers, who have money transactions with the said city, crediting amounts allowed by proper authority, and specifying the particular transaction to which such entries apply. It shall also be his duty at least once in each month to examine the books of account of all officers of said city charged with the receipt and disbursement of money, and if they be found incorrect to at once make a report in writing of the same to the commissioner of finance and revenue. It shall also be his duty to examine all warrants, and countersign the same after appropriation has been duly made to pay the same by said board of commissioners; and he shall render such other services from time to time as said board of commissioners may direct. He shall receive for his services such compensation as said board may determine, not to exceed fifteen hundred (\$1500) dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand dollars (\$10,000) with two or more good and sufficient sureties, to be approved by the president of the board and by the commissioner of finance and revenue.

The health physician shall be a physician in active practice, and shall be charged with the duty of enforcing all quarantine regulations and of keeping the streets, alleys and sidewalks of said city in a sanitary condition, and he shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of his duties, for improving the sanitation of said city and the prevention and suppression of disease, and he shall have the power to abate, or cause to be abated, all nuisances which may endanger or affect the health or comfort of said city, and generally to do all acts and make all regulations that may be necessary or expedient for the promotion of health or the suppression of disease. He shall receive an annual salary of not to exceed one thousand (\$1000) dollars. He shall give bond for the faithful performance of his duties in the sum of five thousand (\$5000) dollars, with two or more good and sufficient sureties, to be approved by the president of the board and by the commissioner of finance and revenue; and shall perform such other duties as may be prescribed by said board of commissioners.

The engineer of said city shall be a professional civil engineer, and it shall be his duty to ascertain the established monuments of such city, and from them to extend the surveys thereof and establish others; and to locate, establish and survey all private property, streets and alleys within the territorial limits of said city when called on or required so to do. He shall also maintain the grade of all streets and alleys in such city, and

exercise general supervision and superintendence over all work undertaken on the streets, alleys and public squares thereof, make estimates and plans and give instructions as to grading or otherwise improving the same, and with respect to the construction of sidewalks so as to secure and preserve proper proportion and uniformity in the height and width thereof; and also superintend and direct the construction of all culverts, bridges, drains, ditches and other improvements projected by said board; and he shall see that all parties contracting with said board to do any work as aforesaid shall faithfully perform their contract, and in the event of their failure so to do it shall be his duty to report the same to the president of said board. He shall also have and exercise general supervision over the construction of all railways which may at any time be constructed through the streets of said city, requiring them to conform to the established grade so as not to impede the use and passage of said streets. He shall have the right and it shall also be his duty to employ all laborers and workmen upon the streets and alleys, and upon other work that may be under his superintendence, to the number prescribed by said board, and for the compensation fixed by it, and to discharge such laborers and workmen, and generally to have charge of all work done on such streets and alleys, and from time to time to make recommendations to said board as to necessary improvements in said city; and he shall perform such other duties as may be prescribed by said board. He shall receive for his services a salary to be prescribed by said board, not to exceed twelve hundred (\$1200) dollars per annum, and such fees as may be prescribed by said board for making surveys and fixing boundaries of private property, which fees shall be paid by the owners of such private property.

The inspector of buildings shall be an architect or builder of at least five years' experience in the active practice of his profession, and shall have had responsible charge of work for at least that length of time. He shall have the supervision of the construction of all buildings erected in the said city, and shall see that the building laws relating to the construction of said buildings and the materials out of which said buildings are constructed, shall be fully complied with; and he shall perform such other duties as may be prescribed by ordinance, not inconsistent with this act. He shall be paid a salary of nine hundred dollars (\$900) per annum, payable monthly. It shall be the duty of said inspector to visit and inspect all theaters, hotels, public halls, churches, school houses and buildings used for public assemblages, and all manufactories employing twenty-five (25) or more persons, now erected, or that may hereafter be erected in the said city, for the purpose of ascertaining if said buildings have the proper means of exit in case of fire or panic, and if, on examination, the said inspector shall determine that said buildings have not the proper means of exit for the purposes herein prescribed, then it shall be his duty to notify in writing the owners, trustees or lessees of said buildings to so improve the same as to provide a proper means of exit in case of fire or panic, as in the judgment of said inspector may be deemed proper and necessary; failure or refusal to comply with such notice to be punished as may be provided by ordinance.

The harbor master shall have the power to regulate and station all ships or other vessels in the harbor or harbors of said city, and at the wharves thereof, or moored or anchored near thereto, and to superintend

and enforce the execution of all rules and ordinances regulating the clearing of the docks in said city, and to prevent and remove all nuisances about them; to prevent the filling up of the harbor and channel in said city and generally to direct and control the manner of loading and unloading the vessels at the docks or wharves in said city. He shall receive an annual salary of not exceeding one thousand dollars (\$1000.) He shall give bond for the faithful performance of his duties in the sum of five thousand dollars (\$5000) with two or more good and sufficient sureties, to be approved by the president of said board and by the commissioner of finance and revenue, and to perform such other duties as may be prescribed by said board of commissioners.

The superintendent of waterworks shall have full charge of the city waterworks and city sewerage system and all property connected therewith, and shall manage and control the same. He shall inspect all parts of said waterworks and sewerage system and see that they are maintained in good condition for use and are being properly cared for, and that all employes of the waterworks and sewerage department are attending to their respective duties. He shall keep in good repair the pumps, machinery, hydrants and all other waterworks and sewerage fixtures and property. He shall employ all laborers in said department, except the engineer of said waterworks, to the number prescribed by said board and for the compensation provided by law or ordinance or resolution, and shall have power to discharge the same. The superintendent shall perform all such other duties as may be prescribed by the board of commissioners by ordinance or resolution, and shall receive for his services the sum of twelve hundred dollars (\$1200) per annum, payable in equal monthly installments. The engineer of said waterworks shall perform such duties as may be prescribed by the board of commissioners, by ordinance or resolution, and shall receive for his services the sum of twelve hundred dollars (\$1200) per annum, payable in equal monthly installments.

It shall be the duty of the sexton to exercise a general superintendence over all cemeteries in such city, whether belonging to said city or not. He shall keep a registry of all burials and the location thereof in said cemeteries, of all persons buried within the territorial limits of said city, and keep all walks in the cemeteries belonging to said city in good condition and free from rubbish and generally to have charge of the interment of all bodies within said city. He shall perform such other duties as may be required of him by said board of commissioners, and shall receive for his services not more than one thousand dollars (\$1000) per annum, to be paid in equal monthly installments, and such fees as may be allowed by ordinance.

SEC. 20. Said board of commissioners shall have full power and authority to establish and maintain a police department, to be composed of a chief of police, two sergeants and such number of patrolmen or policemen as such board may deem necessary, said officers and members of said police department to be appointed, and their compensation and duties to be fixed, defined and regulated as hereinafter provided, and shall also have power and authority to establish and maintain a fire department, to procure fire engines and other apparatus for the extinguishment of fires, and provide engine houses for keeping and preserving the same; and said fire department shall be composed of a chief of the

fire department, an assistant chief of the fire department, and such number of firemen as said board may deem necessary, the officers and members of said fire department to be appointed and their compensation and duties to be fixed, defined and regulated as hereinafter provided. At the first meeting of said board of commissioners after their qualification, or as soon as possible thereafter, it shall be the duty of the commissioner who may be selected as police and fire commissioner to prepare and present to the board of commissioners, in writing, his recommendations of persons for appointment, both in said police and fire departments, based on the integrity of character and physical and intellectual capacities of the applicants for such positions, and the said board of commissioners shall, upon receiving such recommendations, select therefrom proper persons to fill such positions in the departments respectively as may be by them deemed wise and necessary; and upon the failure or refusal of said police and fire commissioner to present said recommendations at the second regular meeting of said board, it shall thereafter proceed to elect proper persons to fill such positions; provided, however, that so far as it may be practicable and consistent with good order, discipline and improvement of the public service, it shall be the duty of said police and fire commissioner to prefer in recommendations to said board, for appointment to the police and fire departments, respectively, those men who have proved themselves capable, good and efficient in the performance of their duties, and the said board shall give due weight to such recommendations; provided, however, that the chief of police and chief of the fire department shall have the power to temporarily suspend any subordinate officer or member of their departments, respectively, for reasons satisfactory to said chief of police or fire department, as the case may be, and to appoint some person to discharge the duties of such suspended officer or member until the grounds of such suspension can be inquired into by the police and fire commissioner; and it shall be the duty of the chief in whose department such suspension shall occur, to report the same in writing within three (3) days, with the reasons therefor, to the said police and fire commissioner, and also to furnish such suspended officer or member with a copy thereof within like time. Said police and fire commissioner is hereby invested with exclusive jurisdiction to hear and determine any and all charges against any member of the police and fire department for infractions of discipline, disobedience of orders, incompetency, corruption, malfeasance or nonfeasance in office, for violation of any of the rules or regulations prescribed for the government of said police and fire department, or for any conduct unbecoming an officer or member of the said departments, respectively, and every officer and member of the police and fire departments shall obey all lawful rules and regulations prescribed by said board of commissioners for the government of said police and fire departments on pain of dismissal, or such lighter punishment, either by suspension, reduction, or forfeiture of pay, or otherwise; as the said police and fire commissioner may adjudge; provided, however, that all charges or complaints against the chief of police or the chief of fire department shall be heard and determined by said board of commissioners as provided in this act in case of trials before said board of commissioners. In case of any charges or complaints made under the provisions of this section against any member of said fire or police department, within the jurisdiction of the

police and fire commissioner, he shall have the power to administer oaths, to summon and compel the attendance of witnesses before him, and to examine such witnesses upon any matter where it may be necessary to the discharge of his duties. The chief of police shall attend upon the court which may be designated by law for the trial of offenses arising under this act, or under any ordinance, rule or regulation enacted by the board of commissioners pursuant to this act, and shall promptly and faithfully execute all writs and process issuing from said court. He shall be the chief police officer of said city and shall have like power with the sheriff of the county to execute the writ of search warrant; he shall be active in quelling riots, disorders and disturbances of the peace within the limits of the said city, and shall take into custody all persons so offending against the public peace; and shall have the authority to take suitable and sufficient bail for the appearance before said court of any person charged with an offense within the jurisdiction of said court; and it shall be his duty to arrest all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of disorderly conduct, or any disturbance whatever. To prevent a breach of the peace, or to preserve quiet and good order, he shall have authority to close any theater, barroom, ballroom, drinking house or any other place or building of public resort, and in the prevention and suppression of crime and the arrest of offenders within said city, he shall have, possess, and execute like power, authority and jurisdiction as a sheriff of a county under the laws of this State. He shall receive a salary of not exceeding fifteen hundred (\$1500) dollars per annum. He shall give such bond for the faithful performance of his duties, and perform such other duties, and possess such other powers, rights and authority, in addition to those herein provided, as the board of commissioners may require and confer upon him, not inconsistent with the Constitution and laws of this State, and the provisions of this act. In case of the absence, sickness or inability to act, of the chief of police, said police and fire commissioner shall have the power, and it shall be his duty, to designate some other member of said police department as acting chief of police during the period of such absence, sickness or inability to act, of said chief of police. The chief of the fire department shall be charged with the duty of superintending and directing the extinguishing of fires and the preservation and safe keeping of all fire engines, hose and other apparatus used in connection therewith; he shall have the power, and it is hereby made his duty, to keep away from the vicinity of any fire all idle, disorderly and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and in preventing goods from being stolen, and, generally, to carry out and enforce such regulations for the prevention and extinguishment of fires as may be by said board of commissioners deemed expedient.

The chief of the fire department shall receive as compensation for his services the sum of fifteen hundred dollars (\$1500) per annum, and the assistant chief of the fire department shall receive as compensation for his services the sum of twelve hundred dollars per annum (\$1200) payable in equal monthly installments.

SEC. 21. Said board of commissioners shall have power from time to time to require further and other duties of all officers whose duties are

herein prescribed, and to define and prescribe the powers and duties of all officers elected to any office under this act, whose duties are not herein specially mentioned, and to fix their compensation when not herein fixed. They shall also require bonds to be given to said city by all officers for the faithful performance of their duties, and shall require a new bond from any officer, whenever in the judgment of said board, the existing bond is insufficient, and whenever such new bond is required he shall perform no official act until said bond shall be given and approved as provided in this act. The board of commissioners shall provide for the filling of vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired term.

SEC. 22. That the present officers and employes of said city of Galveston shall continue in office and in the exercise of their functions until the board of commissioners provided for herein are appointed and elected as herein provided and qualified and shall otherwise provide.

SEC. 23. All ordinances, regulations or resolutions now in force in the city of Galveston and not in conflict with this act, shall remain in force under this act until altered, modified or repealed by the board of commissioners.

SEC. 24. No salary not fixed or limited in this act shall ever exceed nine hundred dollars (\$900) per annum for any office which said board of commissioners are authorized to create under the provisions hereof, and no officer shall receive fees or commissions except as herein provided.

SEC. 25. The duration of all offices created by this act, or by any ordinance pursuant to this act, passed by the board of commissioners of said city, shall never exceed two years; provided, nevertheless, that the incumbent of any such office shall continue to perform the duties thereof until his successor is duly qualified. In case of vacancy in the board of commissioners of said city such vacancy shall be filled in the manner provided in section ten of this act for the unexpired term, and in case of vacancy in any other office in said city the board of commissioners thereof shall fill such vacancy for the unexpired term.

SEC. 26. The health physician, attorney, engineer, auditor and chiefs of police and fire departments shall attend all regular meetings of the board of commissioners and any special meeting of said board at which their presence may be requested by any member of the board. They shall have the privilege of participating in the discussion of matters relating to their respective departments, but shall have no vote.

SEC. 27. All official bonds required under this act, except the bonds of the members of the board of commissioners, shall be made payable to the city of Galveston, and shall be in such form and with such sureties as the board of commissioners may prescribe.

SEC. 28. It shall not be necessary in any action, suit or proceeding of any kind in which the city of Galveston is a party, for any bond, undertaking or security to be executed by or in behalf of said city, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said city shall be liable to the same extent as if they had been duly given and executed.

SEC. 29. Said board of commissioners are hereby authorized to reduce the number of employes in any department of said city, to remove from office in accordance with the provisions of this act any officer or employe



appointed by said board, and to make appointments to any office under them authorized by this act, in the manner herein provided.

SEC. 30. All funds, evidences of indebtedness, books, papers and other property belonging to said city, in the hands of the city treasurer at the time this act takes effect, shall be held and retained by him, and he and his sureties shall be held responsible therefor until the same be paid or delivered to the treasurer elected by said board of commissioners.

SEC. 31. All of the officials of said city charged with disbursing, safe keeping, or performing any other acts touching the taxes or other revenues of said city, now due or that may hereafter become due, shall be liable for any and all breaches of duty touching the same, as are the State and county officials in regard to like services and acts; and may be proceeded against criminally and civilly in the same way. It shall be the duty of the district attorney of the district in which said city of Galveston is situated, to enforce all such remedies, civilly and criminally, just as in the case of State officers; provided, that nothing in this section shall impair the jurisdiction of the board of commissioners in respect to such offenses, as provided in this act, but all such remedies shall be deemed and held to be cumulative.

SEC. 32. The board of commissioners shall have power to remove any officer for incompetency, inefficiency, corruption, malconduct, malfeasance or nonfeasance in office, or such other causes as may be prescribed by ordinance, after due notice in writing and opportunity to be heard in his defense, under the rules and regulations hereinafter set forth; provided, however, that by the word "officer" as used in this section, is meant all officers appointed or selected by said board of commissioners, except policemen and firemen.

That whenever charges are preferred in writing and filed with the president of said board by any person against any such officer for any or all of the offenses named or provided for as above, it shall be his duty to have the accused duly served with a copy of such charges, and shall set a day to inquire into the truth of such charges, and shall notify the accused and the other members of said board, and the witnesses for and against the accused, to be present, and the said board of commissioners shall constitute a court to try and determine said case, and they are hereby invested with exclusive jurisdiction to hear and determine said charges, and may continue the investigation from day to day, upon proper showing, to enable the accused or prosecutor to get material evidence before said board. The accused shall have the right to be heard in person or by counsel, and said board shall likewise be represented by counsel, if they desire it. Upon the conclusion of the investigation and argument of the case a vote shall be taken on each charge and specification, and if a majority of all the members of said board vote to sustain either of the charges against the accused, it shall be the duty of the president of said board to enter up the judgment of the court, in which he shall record the vote of each member of said board upon the several charges and specifications, and shall also include in said judgment an order removing the accused from his office and declaring the same vacant, but if the vote is otherwise the accused shall be declared "not guilty," and judgment entered accordingly.

SEC. 33. The hospital in said city known as the John Sealy Hospital shall, so long as the same is under lease from the State to the city, be

under the exclusive control of a board of managers to be known as the "John Sealy Hospital Board," and to consist of five members, to be chosen or appointed as hereinafter provided every two years, and within thirty days after the installation of each new board of commissioners. Two of the members of the said hospital board shall be selected from said board of commissioners, the members so selected to be the commissioner of finance and revenue and commissioner of streets, alleys, etc., two to be named or selected by the board of regents of the University of the State, and the fifth member to be named or selected by these four; provided, however, that all members of said John Sealy Hospital board shall be resident citizens of the city of Galveston; and provided further, that in case a majority of said four can not agree upon the fifth member, then such fifth member shall be named or designated by the president of the board of commissioners. The said John Sealy Hospital board shall have the exclusive right to appoint the house surgeon, steward, matron, nurses and such other subordinate officers and employes of said hospital as may be required for properly carrying on or conducting the same; to designate the duties of such subordinate officers and employes; to determine their salaries and compensation, and to change the same, and to suspend or discharge them; provided always, that the said hospital board shall, in no event, exceed in any one year in their expenditures the annual allowance set apart by the board of commissioners for defraying the expenses thereof; and the said board of commissioners, as long as said hospital is under lease from the State to the said city, or is in any way responsible for such expenses, shall have the exclusive right to determine and regulate the amount to be expended in carrying on or in conducting the said hospital. The said John Sealy Hospital board shall have the exclusive right to prescribe rules and regulations for the management and conduct of the hospital, and shall have the exclusive management and control of its internal government. The board of health of the city of Galveston, acting through the health physician of said city, shall have the sole and exclusive right and authority, whilst the city is such lessee, to determine and designate what person or persons may be admitted as charity patients into said hospital. Patients who pay for hospital services rendered them may, however, be received into said hospital under rules and regulations to be prescribed by said hospital board; provided always, that applications for admittance into said hospital for treatment as charity patients, with written permits to that effect signed by the health physician of the city of Galveston, shall have precedence over all others applying for admittance therein.

The financial affairs of said hospital, so long as the city of Galveston is such lessee, shall be under the exclusive control of said board of commissioners, and the said hospital board shall furnish to the said board of commissioners at its regular meeting in February of each year during said lease an itemized statement or estimate of the various officers and assistants and the nurses and other employes and their salaries and wages, and the nature and amount of all other expenses necessary to the proper management and maintenance of said hospital for the twelve months next thereafter ensuing, which statement or estimate shall be subject to revision, alteration, modification and reduction by said board of commissioners; and no expense or liability not provided for in said estimate or statement as finally approved and adopted by said board

of commissioners shall be incurred by said hospital board, or any subordinate in the management of said hospital, unless the approval of the board of commissioners in that regard shall have first been obtained. All moneys or revenues arising from hospital service in said institution during such lease shall, as collected, be paid into the city treasury as a part of the revenues of said city.

The said hospital board shall keep and preserve or cause to be kept and preserved, in well-bound books, accurate minutes of its meetings and proceedings; also, in like manner a roster of all visiting physicians and surgeons, and all officers, employes and internes of said hospital, and in what capacity serving, with dates of entering service and of discharge therefrom, length of time employed and salaries and wages allowed; and also a hospital register, showing name, age, sex, nationality and residence of each and every person admitted as a patient, disease at the date of admittance or supervening while in hospital, dates of admittance, dates of discharge or death of all patients admitted into said hospital for treatment, the authority for the admittance of each patient, and the rate charged each and every pay patient; and the house surgeon or other officer in charge of said hospital shall keep, or cause to be kept, in well-bound books, correct and accurate accounts of all receipts and disbursements for account of said hospital, and shall render, under oath, to the said board of commissioners, through the said hospital board, monthly reports or statements showing, for the month then ending all receipts and disbursements, with proper vouchers; also the number and names of all patients received, the respective dates of admittance, and whether charity patients or pay patients; the number and name of all patients that have been discharged, or have died during the month; the disposition made of the bodies of all patients who have died during the month, and the names of all officers and employes, in what capacity serving, and at what salary or wages, respectively. The medical staff of the John Sealy Hospital shall be constituted of the house surgeon, to be selected as above provided, and during said lease compensated by the city; of the visiting physicians and surgeons, to be designated by the board of regents of the University of the State of Texas, from the faculty of the medical department thereof, but who are to receive no compensation from the city for their services; and of two or more students from the medical branch of said University, to serve as internes, and to be selected by said board of regents; the number and duties of the internes to be determined by said hospital board, and said internes to receive for their services only their board and lodging in said hospital. The officers in charge of said hospital shall, at all times, admit for the purpose of inspection, any member of the board of commissioners, or any member of the board of health of said city, charged with the duty of visiting or inspecting said hospital, and in like manner the regents of the said University or their authorized agents. All the members of said hospital board, as also the house surgeon, shall before entering upon their respective duties, take the oath of office as prescribed by the Constitution of the State of Texas.

SEC. 34. That the local government established by this act shall have power:

To make regulations to prevent the introduction of contagious diseases into the city; to make quarantining laws for that purpose and to enforce them within the city and within ten (10) miles thereof.

To have the exclusive control and power over the streets, alleys, highways and public grounds, and to abate and remove encroachments or obstructions thereon: to open, alter, widen, extend, establish, regulate, grade, clean and otherwise improve the same; and to put drains and sewers therein, and to prevent the incumbering thereof in any manner, and to protect the same from any encroachment or injury, and to regulate and alter the grade of premises, and to require the filling up and raising of the same to such grade as may be established under the provisions of this act.

To provide for lighting the streets and to regulate the lighting thereof, and to exclusively regulate, direct and control the laying and repairing of gas pipes and fixtures in the streets, alleys, and sidewalks thereof.

To erect and establish hospitals, and control and regulate the same.

To regulate the inspection and vending of fresh meats and all other provisions, and to make such rules and regulations in relation to butchers and other vendors of provisions as may be deemed necessary and proper.

To prevent, prohibit, and suppress immoderate riding or driving in the streets, and to prohibit and punish the abuse of animals, and to compel persons to fasten horses and other animals while standing or remaining in the streets.

To restrain and punish vagrants, mendicants, beggars and prostitutes, and to cause the arrest of all vagrants, tramps, drunken or disorderly persons within said city, and to provide for the punishment of the same by fine or otherwise.

To arrest and confine for trial, or take bond for the appearance at trial, of all persons charged with offenses which are punished as misdemeanors by the laws of the State of Texas, or said local government.

To compel all owners, tenants or occupants of improved property in all instances that may be deemed necessary for good sanitation, to construct sanitary appliances, and to connect the same with water and sewer mains or pipes.

To direct and determine in what part of said city buildings of wood shall not be erected; to regulate and establish the size of bricks that are to be used in houses to be built in said city, and to prescribe the material out of which the mortar used in said houses is to be made and the proportions of such material; to provide for the taking down and removal of buildings, walls, structures, or superstructures, that are or may become dangerous, and to require owners to remove them, or put them in a safe and sound condition at their own expense; to regulate the building and maintenance of party walls, partition fences, parapet and fire walls, smoke flues and fire places, hot air flues, boilers, kettles, smokestacks and stove pipes; to provide for and regulate the safe construction, inspection and repair of all private and public buildings within the said city, and to regulate, restrain or prohibit the erection of wooden or frame buildings within the limits of said city, or any part thereof, and remove the same at the owner's expense when erected or suffered to remain contrary to law or ordinance; to regulate the height, construction and inspection of all new buildings hereafter erected in said city, and the alteration and repair of any buildings already erected, or hereafter to be erected, in said city, and to regulate the limits within which it shall be lawful to erect steps, porticoes, bay windows, sheds, galleries, awnings or other structural ornaments to houses fronting on any of the streets or alleys of said city.

To prohibit by fine the introduction of paupers into the city by steam-boats, railroads or other carriers of persons; to regulate, control and suppress disorderly houses and houses of ill fame; to regulate, control and suppress houses of assignation and gaming houses, and to punish gaming as provided by the Penal Code of the State of Texas; to pass all laws to preserve the health of the city; to define, prevent and remove nuisances within the city, and for a distance of five miles outside of the same; to prohibit the erection of houses for curing green hides, or slaughter pens, or factories, and all houses of like character; to have the power to require all owners, tenants, or occupants of improved property, which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the said city may construct, own or control, to connect with such sewer or system of sewerage, all water closets, sinks or drains upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage; provided, that whenever any tenant or occupant shall be required under any ordinance of the city to make sewer connection, or to do any other thing of which the board of commissioners has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement and reasonable attorney's fees, if the primary obligation to do the same was on the landlord, said lien to be enforced by competent proceedings in any court of competent jurisdiction, and the tenant or occupant may, when so entitled under the general principles of set-off, use such claim against his liability for rent; and to have power to condemn as nuisances all buildings, cisterns, wells, privies and other erections in the city which, on inspection, shall be found to be unhealthy, unsanitary or dangerous to persons or property, and cause the same to be abated or removed, unless the owners thereof, at their own expense, upon notice, shall reconstruct the same in such manner as shall be prescribed by the laws of the city; and as to all buildings, cisterns, wells, privies and other private improvements to be constructed in future, they shall have the power, and it shall be their duty, to have the same so constructed as not to interfere with the health of persons, or the safety of persons or property, within the city.

Said board shall have the power, and it shall be their duty, to provide that the city is kept in a clean and healthy condition, the yard and premises of every occupant of every dwelling, outhouse, office, store, shop, or other place of business, are cleaned and so kept by such occupant, every day, at his own expense, and to prohibit, by proper laws and penalties, every such occupant from throwing or putting any trash or improper material in the streets, alleys or sidewalks, except for the purpose of removal; to require such occupant daily to deposit all unsanitary material in the street near by, in some suitable vessel to be provided by the occupant at his or her own expense, to be carried off by the public carts; to have power to prohibit the erection, building, placing, moving or repairing, of wooden buildings within such limits in said city as for the purpose of guarding against the calamity of fire may be designated and prescribed, and may also within said limits prohibit the moving or putting up, of any wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct, require and prescribe that all buildings within the limits so designated and prescribed as aforesaid,

shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of thirty-three and one-third per cent (33 $\frac{1}{3}$ %) of the value thereof, and may prescribe the manner of ascertaining such damage, and may declare all dilapidated buildings to be nuisances, and direct the same to be repaired, removed or abated in such a manner as they shall prescribe and direct, and to declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.

To have the power to prevent and prohibit the dangerous condition of chimneys, flues, fire places, stove pipes, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed, or placed in a secure and safe condition, when considered dangerous, and generally to establish such regulations for the prevention and extinguishment of fires as said board of commissioners may deem expedient.

To regulate and control plumbers, and plumbing works, and to enforce efficiency of the same.

To direct, control and prohibit the keeping and management of houses, or any building for the storing of gunpowder and other combustible explosives, or dangerous materials within the city, and to regulate the keeping and conveying of the same, and to regulate and prevent and prohibit the use of fireworks within the said limits.

To regulate and prescribe the mode and speed of vessels, steamboats and other craft on entering and leaving the harbors of said city, and of coming to and departing from the wharves thereof, and the disposition of the sails, yards, anchors and other such appurtenances of such vessels, while entering, leaving or abiding in such harbors, and to regulate and prescribe the location of every steamboat, steamship, or other craft, ship, vessel, barge, boat or float, and such changes of station and use of the harbor as may be necessary to promote order therein, and in the safety and equal convenience, as near as may be, of all steamboats, steamships or other craft, ship, vessel, barge, boat or float, and may impose penalties for any offense against such ordinance, and may appoint a harbor master to carry out the powers herein granted, and to report any violation of such regulations to the court having jurisdiction thereof.

To direct and control the laying of railroad tracks, turnouts and switches, or to prohibit the same in the streets, avenues and alleys, unless the same shall have been authorized by ordinance; to require that all railroads, turnouts and switches shall be so constructed as to interfere as little as possible with the ordinary travel and use of streets, avenues and alleys, and that sufficient space shall be left on either side of said track for the safe and convenient passage of persons, teams, carriages and other vehicles, and to construct and keep in repair suitable crossings at the intersections of streets, avenues and alleys, and ditches, sewers and culverts, when the said commissioners shall deem it necessary; and to direct the use and regulate the speed of locomotive engines within said city, or to prevent and prohibit the use or running of the same within the said city.

To make all suitable and proper regulations in regard to the use of the

streets for street cars, and to regulate the running of the same so as to prevent injury or inconvenience to the public.

To regulate or forbid the opening and digging up of the streets or alleys by gas, telephone or other companies to the public detriment.

To provide the city with water; to make, regulate and establish public wells, pumps, cisterns, hydrants and reservoirs in the streets or elsewhere within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unnecessary waste of water, or any injury to said water-works; and to pass ordinances for the condemnation of property for the purpose of establishing, enlarging or maintaining a system of water-works, whether within or without the limits of such city, conforming the mode and manner of the same to the rules now prescribed for cities and towns by the General Laws of the State in the condemnation of property for the construction of sewers or sewerage systems.

To authorize and regulate the laying of pipes and the location and construction of tanks, reservoirs and pumping stations for the storage and conveyance of oil and gas.

To regulate the inspection and vending of fresh meats, fish and other provisions, and to prohibit the sale of any tainted or unwholesome meat, fish or other provisions, and to make such rules and regulations in relation to butchers as they may deem necessary and proper.

To erect and repair all necessary public buildings.

To repair and keep in repair streets, alleys, sidewalks and other public grounds and places in the city.

To open and widen streets, to change the location thereof, or to close the same, and to lay off new streets and alleys when necessary, and to have and exercise control over all streets and other public property of the city, as well that without as that within the city.

To accept any money or property for the purpose of any public or corporate use.

To provide by ordinance special funds for special purposes, and to make the same disburseable only for the purpose for which the fund was created and any officer of said city misapplying said special fund shall be deemed guilty of malfeasance in office, and shall, on complaint of any one interested in said fund so misapplied, or any taxpayer of said city, be removed therefrom, and shall be incapable thereafter to hold any office in said city, and shall, on conviction before any court of competent jurisdiction, be fined in a sum not exceeding five thousand (5000) dollars, and be imprisoned in the county jail not exceeding six (6) months.

To provide for the inclosing, regulating and improving of all public grounds, parks and esplanades belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets, sidewalks and public grounds thereof.

To regulate the carrying of weapons, and to prevent the carrying of the same concealed.

To authorize the proper officer of said city to grant and issue licenses and to direct the manner of issuing and the registering thereof, and the fees and charges to be paid therefor; provided, that no license shall be issued for a longer period than one year, and shall not be assignable, except by permission of the board of commissioners.

To establish and regulate public pounds, and to regulate, restrain and

prohibit the running at large of horses, mules, cattle, sheep, swine, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceeding and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners thereof for violation of any ordinance, and also to impose penalties on the owners or keepers thereof, and to tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

To regulate the burial of the dead, and to regulate the registration of deaths, marriages and births. No person shall be buried without a certificate of the physician or post-mortem examination, or after a coroner's inquest.

To compel and force all offenders against any ordinance of the city found guilty by any court of competent jurisdiction and sentenced by it to imprisonment, to labor on the streets and alleys of said city, or on any public works thereof, under such regulations as may by ordinance be established.

The board of commissioners, as established by this act, shall be invested with the power and charged with the duty of making all laws or ordinances not inconsistent with the Constitution of this State, that may be necessary and proper to accomplish the general object of this act, and to pass all ordinances, rules and regulations necessary for the good government, peace and order of said city and the trade and commerce thereof, and to adopt rules for the government of its proceedings.

Said board shall have the power to establish, erect, construct, regulate and keep in repair bridges, culverts, sidewalks and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or encroachments thereon, and the cost of the construction of sidewalks shall be defrayed by the owners of the lot or part of lot or block fronting on the sidewalk.

To establish and erect markets and market houses, designate, control and regulate market places and privileges, inspect and determine the mode of inspecting meat, fish, vegetables and all produce and every article and thing therein brought for sale.

To provide for the suppression and prevention of any riot, rout, affray, noise, disturbance or disorderly assembly in any public or private place within the city.

To prohibit and restrain the firing of firecrackers, or use of any pyrotechnic or any other amusement or practice tending to annoy persons passing in the streets or sidewalks or to frighten horses or teams; to restrain and prohibit the ringing of bells or the blowing of horns and bugles, crying of goods and all other noises, practices and performances tending to the collection of persons on the streets and sidewalks, by auctioneers and others, for the purpose of amusement, business or otherwise.

SEC. 35. To prevent, regulate and control the driving of cattle, horses and all other animals into or through the city.

SEC. 36. To prevent any person from bringing, depositing or having within the limits of said city any dead carcass or other offensive or unwholesome substance or matters, and to require the removal or destruction by any person who shall have placed, or caused the same to be placed, upon or near his premises or elsewhere, of any substance or



matter, filth or any putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city, and require the owner of any dead animal to remove the same to such place as may be designated.

SEC. 37. The said board of commissioners shall have the power to do any and all acts necessary to preserve the harbor, and to dredge out, widen or deepen the channel of the harbor of the city of Galveston, to prevent any use of the same or any act in relation thereto inconsistent with the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the said channel; and to prevent and punish the casting, throwing or depositing therein of any stone, shell or other substance, logs or floating matter, and to prevent and remove all obstructions therein and to punish the authors thereof. It shall also have the power to erect and to regulate the erection of wharves fronting the channel, or their extension in such manner as may be by it deemed for the public interest, to fill or cause to be filled or otherwise improved, any property belonging to said city of Galveston, or under its control, and to do any and all acts necessary and proper to promote the use and availability of such property for the purposes of commerce and in aid of the preservation and protection of the said harbor of Galveston and the channel therein.

SEC. 38. To prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, fighting, quarreling, using abusive and insulting language, misdemeanors and disorderly conduct, and to punish all persons thus offending.

SEC. 39. To prevent all prize fighting, cock and dog fighting, and punish all persons thus offending.

SEC. 40. To regulate and determine the time and place of bathing and swimming in the waters adjoining or within said city, and to prevent any obscene or indecent exposition, exposure or conduct.

SEC. 41. The board of commissioners shall have power to require on due notice all railway companies owning track within the city limits, which may have been or may hereafter be abandoned by them, by non-user, to remove such tracks and to restore at their own expense the street or way upon which such abandoned track is located to proper grade. The board of commissioners shall have power at any time to change the location or remove the railway track or tracks on any street or avenue from one portion of the street to another, and to enforce such change of location in mode to be prescribed by ordinance.

SEC. 42. The board of commissioners shall, as soon as may be, after the commencement of each fiscal year, contract as they may by ordinance or resolution determine, with a public newspaper of such city, as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matter required by this act, or by the ordinances of said city to be published.

SEC. 43. The board of commissioners shall have authority, by ordinance duly enacted, to provide for the establishment and maintenance of a free public library in the city of Galveston, and to this end may make appropriations in amounts within their discretion; and may receive donations of books, papers, magazines, periodicals, or other property, or money, for the benefit of and maintenance of such public library.

SEC. 44. The board of commissioners shall have power to appropriate money to provide for the expenses of said city. In the month of February of each year, or as soon thereafter as practicable, it shall make a careful estimate of the probable revenues of said city for the ensuing year, and shall provide for the disbursement and expenditure of the same and shall at the same time fix the salaries of all officers and employes appointed or elected under the provisions of this act, except those whose compensation is fixed herein, said apportionment to be made as follows, to-wit:

1. It shall reserve and set apart a fund of twenty-five thousand (25,000) dollars, to be used only in case of extraordinary emergencies, which could not have been foreseen before their occurrence, but in no event to be used for the ordinary expenses of said city; and whenever there shall remain unexpended any portion of such reserve fund the same shall constitute a part of such reserve fund for the next ensuing year.

2. It shall then apportion the remainder of the estimated revenue to the several departments of the said city for the general expenses thereof.

Any member of said board of commissioners who shall knowingly vote for, or in any manner aid or promote, the passage or adoption of any ordinance, legislation or other act of said board increasing the appropriation for the expenses of said city beyond the estimate aforesaid, unless the actual revenue shall have exceeded such estimate, and, in such event, beyond such actual revenue, shall thereby vacate his office, and shall be guilty of malfeasance in office, and shall be removed from his office in the manner provided for in this act.

Said estimate or budget shall be prepared in such detail, as to the aggregate sum and the items thereof, as the said board shall deem advisable, and in order to enable the said board to properly prepare such estimate, the heads of all departments shall, at least thirty (30) days before the said estimate is hereby required to be made, send to the said board, in writing, estimates of the amounts needed for the conduct, respectively, of each department of said city for the next ensuing fiscal year. Such estimates shall be verified by the oath or affirmation of the parties making them, and a wilfully false statement made in a material matter, contained in said estimates so made to said board, shall be perjury and punishable as provided by the Penal Code of the State of Texas. The said estimates shall specify in detail the objects thereof and items required for the respective departments, including a statement of each of the salaries of the officers, employes, deputies and subordinates in each department. It shall be the duty of said board of commissioners, when assembled for the consideration of and appropriation for said budget, to consider and investigate the estimates prepared by said officers, and to hold daily sessions for the consideration and adoption of said budget. After said budget shall have been duly passed and adopted, said board of commissioners shall not have the power to increase the amounts fixed therein, in order to insert any new items therein during such current year, and the said several sums, as therein fixed, shall be and become appropriated after the beginning of the next ensuing fiscal year for the several purposes therein named, to be used by the said board of commissioners and the several departments of said government for the purposes therein named, and for no other purposes or uses whatever. And said

board of commissioners shall not have the power, by any ordinance or resolution, to enlarge any item contained in said budget after the same is duly passed. No appropriation provided for in said budget shall be diverted or used under any circumstances for any other purpose than that named therein; and no temporary loan shall be authorized or made to pay any deficiency arising from a failure to realize sufficient income from taxation to meet the amounts provided for in said budget, but the said board of commissioners may borrow money for its use in anticipation of the receipt of taxes levied for any one year, and pledge as security therefor the uncollected taxes for any such year; provided, however, that the money so borrowed for this purpose shall not exceed in any one year the sum of \$100,000. In case of any such deficiency there shall be a pro rata abatement of all appropriations contained in said budget; and in case of any surplus arising in any fiscal year by reason of an excess of income received from the estimated revenues over the expenditures for such year, the said surplus shall be credited to the general fund of said city and shall form part of the general fund for the next ensuing fiscal year. The fiscal year of the city of Galveston shall begin on the first day of March in each year; provided, however, that the first board of commissioners appointed and elected under this act shall, within thirty days after their qualification, make up a budget in compliance with the provisions of this section for the period ending February 28, 1902.

SEC. 45. No franchise or right in relation to any highway, avenue, street, lane or alley, either on, above or below the surface of the same, and no franchise or right in relation to any island or land covered by water that may belong to or be claimed by the city of Galveston, shall be granted by the board of commissioners to any person or corporation for a longer period than fifty (50) years. Every grant of any such franchise or right may make provision by way of forfeiture of the grant or otherwise for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant. Before any grant of any such franchise or right shall be made, the proposed specific grant, embodied in the form of a brief advertisement, prepared as may be directed by ordinance of the board of commissioners, shall be published at the expense of the applicant, for at least three (3) days in the official journal of said city. When the grant of any such franchise or right is made, the city shall not part with, but shall expressly reserve the right and duty at all times, to exercise in the interest of the public, full superintendence, regulation and control in respect to all matters connected with the police powers of said city. Before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all such terms and conditions as may be right and proper, including a provision as to the rates, fares and charges, if the grant provides for the charging of rates, fares and charges. All legal ordinances, resolutions or acts heretofore passed or had by the said city, making any grant or concession, or vesting any property right, interest or franchise, shall remain unaffected by the repeal of the charter of said city, and amendments thereto, hereinafter provided for.

SEC. 46. Said board of commissioners shall have the power and it is made their duty to adopt rules and regulations for the management of

the waterworks and sewerage systems, and they shall make and establish a schedule of water and sewer rates and tolls, and prescribe the mode and manner of the construction of the surface pipes, alley laterals and house connections, with the water mains and sewer pipes; and the said board of commissioners shall pass all ordinances necessary for the protection and preservation of the said waterworks and sewerage system, and for the prevention of waste and damage thereto; and said board of commissioners shall have power to require all property owners whose property may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the said city may construct or authorize to be constructed, or that it may acquire by purchase or otherwise, to connect with such sewer or system of sewerage all water closets, sinks and drains located upon their respective property or premises, so that their contents may be made to empty into such sewer or system of sewerage, whether said system is constructed by said city or is acquired by it by purchase or otherwise.

SEC. 47. That neither the said commissioners nor the said city of Galveston shall be liable in damages, except for negligence, for any injury or injuries to persons or to property caused by filling, raising, grading or elevating any property within the city of Galveston, or in the prosecution of any public improvement in said city.

SEC. 48. The board of commissioners shall have power, and they are hereby authorized, to impose additional uses and burdens upon the streets, avenues, alleys and public grounds of said city, for the location, construction and maintenance of breakwaters and other like works for the protection of the city of Galveston, whether constructed by the United States government, the State of Texas or the city of Galveston, with the right to take and appropriate such land and other property as may be deemed necessary for the establishment, location, construction and maintenance of said breakwaters and other like works for the protection of the city of Galveston from encroachment or overflow by the waters of the gulf; and for such other purpose to define the area of land needed and to acquire, take, hold and enjoy the same, and for that purpose shall have the right to exercise the right of eminent domain and to condemn lands for said purposes and uses, in the manner and under conditions provided by law in the case of railroad corporations.

SEC. 49. To pass ordinances for the condemnation of property for the purpose of opening streets in the city, conforming the mode and the manner of the same to the rules prescribed for cities and towns by the General Laws of the State; and to regulate, prohibit or remove all buildings or structures on the shores or in the waters within the limits of the city where the same are not authorized by law.

SEC. 50. That said commissioners shall not issue any bonds, notes, scrip or other evidence of indebtedness, except as provided in this act, and shall in no event contract for work, material or services in excess of the amount of the estimated revenues for the current year and the funds on hand applicable to such purposes; and all parties contracting with said commissioners for work, material or services shall look alone to the revenues for that year, and to such funds as may be applicable for such purposes at the date of any such contract, and the revenues of no subsequent year shall be appropriated or used to meet any such deficit, and no property, real or personal, owned or held by said city of Galves-

ton for public use, for governmental purposes, or in trust for the public, shall ever be subject to execution or attachment, or seizure under any legal process, for any debt heretofore or hereafter created by said city of Galveston; and all taxes due, or money in the hands of the officers charged with the collection of taxes or any other revenues belonging to said city, shall be exempt from seizure, under attachment, execution, garnishment or any other legal process.

SEC. 51. To license and tax the owners of all vehicles in the city of Galveston used or kept for private or public uses, and to license, tax and regulate hackmen, draymen, omnibus drivers and drivers of baggage wagons, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and provide for their protection, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to regulate, license and restrain runners for steamboats, railroads, stages and public houses; and enforce the collection of all such taxes by proper ordinances; and all revenues collected under the provisions of this section, or any ordinance passed in pursuance thereof, shall be used only for the improvement of the streets and alleys of said city.

SEC. 52. That the said board of commissioners of said city is authorized to appropriate all delinquent taxes against which no demands are outstanding, and after the purposes for which said taxes were levied have been fulfilled and satisfied, to any proper municipal purposes, and the said board is empowered, at the end of each fiscal year thereafter, to declare such residue of all said delinquent taxes a surplus fund, and to direct that the same, when collected, be carried in bulk as a surplus account, subject to appropriation by said board for proper municipal purposes, under the provisions of this act.

SEC. 53. The following property in said city shall be exempt from taxation, to wit: All lands used exclusively for graveyards, or grounds for burying the dead, except such as are held or owned by any person, company or corporation with a view to profit, or for the purpose of speculation in the sale thereof; all buildings belonging to institutions of purely public charity, together with the lands belonging to and occupied by such institutions not leased or otherwise used, with a view to profit, and all moneys and credits appropriated solely to sustaining such institutions, together with such other property as is exempt from taxation by the Constitution and laws of the State of Texas or of the United States.

SEC. 54. The board of commissioners shall have power and they are hereby authorized to levy for general purposes an annual ad valorem tax on all real, personal and mixed property within the territorial limits of said city, not exempt from taxation by the Constitution and laws of the State of Texas, of and at the rate of not exceeding seventy (70) cents on the one hundred (100) dollars cash valuation of said property. The meaning of the term "real property," as used in this act, shall be construed to include lots, lands and all buildings or machinery and structures of every kind erected upon or affixed to the same; and the meaning of the term "personal property," as used in this act, shall be construed to include all household furniture, moneys, goods, capital and chattels, all ships, steamboats and vessels, whether at home or abroad, all stocks of corporations, moneyed or otherwise, and, generally, all property which is not real. That the taxes herein and hereby authorized to be levied shall

become due and payable on September first of each year, and shall bear interest at the rate of six per cent per annum from October first following the said levy, until the same are paid, and said taxes are hereby made payable in the currency or coin of the United States.

Said board shall also have the power to annually levy and collect a poll tax of one (1) dollar of and from every male inhabitant of such city over the age of twenty-one (21) years and under sixty (60) years of age, who shall have resided therein six (6) months previous to the levy of such tax.

Said board of commissioners shall have power to provide by ordinance for the assessing and prompt collecting of all of the taxes aforesaid, and to determine when taxes shall be paid by corporations and when by individual corporators. The license and occupation taxes authorized to be levied by this act shall be collected by the assessor and collector of taxes, and shall be paid to that officer by each and every person and firm before engaging in any trade, profession, business, calling, vocation or occupation subject to said tax, as is provided by the terms of this act.

Said board of commissioners shall have the power to regulate the manner and mode of making out tax lists or inventories, and the appraisalment of property therein, and to prescribe how and when property shall thus be rendered; and shall also prescribe the number and form of assessment rolls and fix and define the duties and powers of the assessor and collector, and adopt such measures as they may deem advisable, to secure the assessment of all property within the limits of said city, and to collect the taxes thereupon, conforming the said manner and mode of rendering property for assessment, and the assessment thereof, as near as may be, to that provided by law for the rendition and assessing of property for State and county purposes, and until the passage of such ordinances the said board of commissioners and the assessor and collector of taxes shall be governed in their procedure and acts in relation to the assessment and collection of said taxes as is provided by the laws of this State relating to the assessment and collection of State and county taxes.

When any real or personal property situated within the territorial limits of said city has been returned delinquent, or reported sold to said city for the taxes due thereon, the board of commissioners may cause to be prepared lists of delinquents in the same manner as is provided for in Section 3 of the act of the Twenty-fifth Legislature of the State of Texas, and set out in Chapter 103 of the General Laws of said Twenty-fifth Legislature, and when such list shall be certified to as correct by the president of said board of commissioners, the said board of commissioners may direct the city attorney to file suit in the district court of Galveston county for the recovery of the taxes due on said property, together with the penalty, interest and costs of suit, which suits may be brought in the same manner as is provided in Section 5 of said act of the Twenty-fifth Legislature above mentioned, for the bringing of suits by the county attorney, and the provisions of said act of the Twenty-fifth Legislature, as contained in Chapter 103 of the General Laws of said Legislature, shall be in force as to such taxes so far as the same are applicable.

SEC. 55. The board of commissioners shall have power to provide by ordinance for the levy and assessment of taxes on the property or shares of the capital stock of all corporations, companies, banks and other like

institutions, and on their notes and bills receivable, and all of said property or shares of such corporations, companies and banks shall be assessed and taxed in the same manner as is provided by the laws of the State of Texas for State and county taxes.

SEC. 56. All taxes levied by this act shall be a lien on all property upon which they are assessed, both real and personal, until the same shall have been paid, and in addition to the other remedies provided by this act for the collection of such taxes suits may be instituted to recover the same and the said liens foreclosed in any court of competent jurisdiction.

SEC. 57. Any and all descriptions of real estate, blocks, outlots, lots, or any parts or fractions thereof, and of all personal property, and any and all dates, years, valuations, taxations, numbers, quantities, or amounts contained in any assessment roll, land tax book, personal tax book, or descriptions contained in any book or roll used for the purpose of assessing property, shall be sufficient and valid when made or stated in whole or part in abbreviations or contractions of words, letters, characters, or figures; and when so made or stated shall be deemed and held to be fully and fairly made and stated, as though the same had been written out in full. No error or irregularity in any assessment roll, tax book, or other document relating to the levy, assessment, equalization, or collection of the taxes of the city shall in any manner affect or impair the validity of any tax, or affect the proceedings for the collection thereof, but every such assessment shall be liberally construed to effect the purposes and objects of this section in determining the validity thereof.

SEC. 58. That in all cases where any dealer in goods, or merchandise of any kind, subject to either ad valorem or occupation taxes, or both, under the provisions of this act, shall, after the rendition of said goods, wares, or merchandise, for taxation or after becoming liable for any occupation tax, become, or be adjudged, bankrupt, or make an assignment of said goods, wares or merchandise, or sell out or transfer the same in bulk, then the assessor and collector of taxes shall at once present to the trustee in bankruptcy, receiver, assignee, or vendee of said dealer, for payment, a statement of the amount due for said occupation or ad valorem taxes by said dealer, and in case of the failure of said trustee in bankruptcy, receiver, assignee, or vendee to at once pay the amount of said taxes, the said assessor and collector shall, by virtue of his assessment roll, levy upon, seize and sell from the said goods, wares, or merchandise, enough to satisfy the amount of said taxes, interest and costs, such sale to be conducted in the manner now prescribed for the sale of personal property under execution; and said taxes, until paid, shall be and constitute a prior lien on all of said merchandise, goods and wares, in default of the payment of said taxes; and whenever any goods, wares, or merchandise shall be levied upon or seized under any writ of attachment or execution, upon which the said city has a claim for ad valorem or occupation taxes unpaid, said assessor and collector shall present for payment to the officer levying said writ of attachment or execution, the amount due for said taxes, interest and costs on said goods, wares or merchandise, and in case of the failure of said officer, or of the plaintiff in said writ, to at once pay the amount of said taxes, said assessor and collector shall proceed to levy upon, seize and sell enough of said goods, wares or merchandise, to satisfy the amount of said taxes, interest and costs, as hereinbefore provided.

SEC. 59. No demand for the payment of any taxes due the city shall be necessary, but it is hereby made the duty of every person or corporation subject to taxation to attend at the office of the assessor and collector of taxes at the time when said taxes may be made payable by ordinance, and pay all such taxes. If any one fails to pay said taxes before the first day of October the same shall be and become delinquent within the meaning of this act.

SEC. 60. All taxes due by property owners on any and all property for the year 1884 and up to and including the year 1899, and for all years to come until otherwise provided by charter, as appears upon the tax rolls of said city, may be collected by suit from delinquent and foreclosure of the lien thereon be had in any court having jurisdiction of the same, and any person who shall purchase property encumbered with a lien for taxes shall be deemed as to such taxes a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he can not interpose any defense which his vendor might not have interposed had he continued to be the owner thereof. And no delinquent taxpayer shall have the right to plead in any court, or in any manner rely upon, any statute of limitation by way of defense against the payment of any taxes or assessments due from him or her to the city of Galveston.

SEC. 61. In all cases where the State has instituted suit for taxes, where taxes are due the city on the same property for the same years, the city of Galveston shall have the right to intervene in such pending suits and have judgment for its taxes and to enforce and foreclose its lien for said taxes, and in cases where the city has first instituted suits for taxes the State shall have the same right to intervene.

SEC. 62. Said board of commissioners shall have the power to license, tax and regulate merchants, commission merchants, hotel and innkeepers, drinking houses or saloons, barrooms, beer saloons and all places or establishments where intoxicating or fermented liquors are sold, brokers, money brokers, real estate agents, insurance agents, insurance brokers, and all other trades, professions, occupations and callings of every kind not specially mentioned herein as may be taxed or licensed by the laws of the State, but no assessment or license tax levied under this section shall exceed one-half of the amount levied by the State for the same period on such profession or occupation, and the same may be regulated, levied and collected in the same manner as said taxes are regulated and collected by the State.

Said board shall also have the power to license and regulate any itinerant or transient vendor of clothing or wearing apparel, or article of bedding or merchandise of any description whatever. To license and regulate dealers in bankrupt or fire stocks, or damaged stocks of any kind, second hand dealers, pawnbrokers, junk shops and dealers in junk, or any other business or occupation which in the opinion of said board shall be the proper subject of police regulation.

SEC. 63. The board of commissioners of said city, by the unanimous vote of the full board, shall have the power, and are hereby authorized, to correct, adjust and reduce any assessment upon property heretofore made, and in cases of financial inability, or acute financial distress, caused by the hurricane of September 8, 1900, to compromise, adjust and settle any uncollected taxes, interest and penalty levied for the year 1900, by said city upon such property, and also to compromise and settle any



judgment for taxes, interest and penalty. The power and authority conferred by this section upon said board of commissioners may also be exercised and enforced by any court of competent jurisdiction.

SEC. 64. That all revenue arising from assessments or real and personal property, that have been heretofore or may hereafter be made or levied on account of public schools or public education in the said city, shall be and remain for the use and benefit of the public schools of said city, and when the said tax is collected it shall be paid over, weekly, to the treasurer of the board of public school trustees of the said city.

SEC. 65. The board of commissioners of said city of Galveston shall, annually, levy and assess the special tax for the support of the public free schools in said city that has heretofore been or may be hereafter voted for that purpose by the qualified voters in the city of Galveston, by an ordinance duly passed by said board upon the requisition of the board of trustees of the public schools of the city of Galveston, said tax to be levied and assessed in the same manner as is required by this act in the levy and assessment of taxes for general purposes.

SEC. 66. The board of commissioners shall have power to assess and collect the ordinary municipal taxes upon city or horse railroads, and to compel the said city railroad companies to keep their roads in repair, and to restrain the rate of travel so as not to exceed seven miles per hour, and to compel said city railroads to supply ample accommodation for the safe and convenient travel of the people on any street where their tracks may run. The board of commissioners may enforce these regulations by proper ordinance, with suitable penalties for any violation of said ordinances.

Whenever the said board of commissioners shall determine to fill, grade, pave, or otherwise improve any street or avenue, and over and upon which, or any portion thereof, there may be the tracks and roadbed of any railroad company, the said railroad company shall, upon notice, fill, grade, pave or otherwise improve the portion of said street or avenue so occupied by it, between the rails of said tracks and for one foot on each side of said rails, with such material and in such manner as has or may be provided by said commissioners for the improvement of the other portions of such street or avenue. Upon failure so to do, after thirty days' notice, the said board may so improve such street or avenue between said rails and for one foot on each side thereof for account of said railroad company, and for all sums so expended, and legal interest thereon, the city of Galveston shall have a first lien on the roadbed, franchises and other property of said railroad company; and if not paid upon demand, suit may be brought by said city to recover said indebtedness and for the foreclosure of said lien.

SEC. 67. The city of Galveston shall have the power to issue bonds to the amount of not exceeding \$3,100,000.00 of such denomination as the board of commissioners may determine, payable at such time, not to exceed fifty years, as they may determine and as may be agreed to by the holders of such bonds, bearing interest, payable semi-annually, at a rate to be agreed on by the holders of such bonds and the board of commissioners; said interest rate, however, not to exceed five per cent per annum, but the city of Galveston shall have the right to select by lot as interest coupons on said bonds mature, sufficient of the bonds to retire at not exceeding par, not less than two per cent per annum of the total bonds

outstanding of each issue into the sinking fund thereof. These bonds are to be issued for the purpose of refunding such of the outstanding bond issues of the city of Galveston as are hereinafter specified; that is to say, a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the outstanding forty-year limited debt bonds of 1881; a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the waterworks, street improvement and city hall bonds outstanding; a sufficient number thereof shall be in lieu and instead of the forty-year limited debt bonds of 1891 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds of 1895 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds approved September 8, 1897, outstanding; a sufficient number thereof shall be in lieu and instead of bonds outstanding, issued for the establishment and maintenance of a sewerage system in pursuance of an ordinance of the city of Galveston passed December 16, 1897, and the amendment thereof, passed August 21, 1899.

The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding twenty cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners of said city of Galveston, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the forty-year limited debt bonds of 1881, and refunding bonds, respectively issued in lieu of same.

The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding sixteen and four-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the waterworks, street improvement and city hall bonds, and refunding bonds, respectively issued in lieu of same.

The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding thirty-three cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the forty-year limited debt bonds of 1891, and refunding bonds, respectively, issued in lieu of same.

The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax of not exceeding five and five-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of

commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the general indebtedness refunding bonds of 1895, and refunding bonds, respectively, issued in lieu of same.

The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding five cents on the one hundred dollars valuation of all property subject to taxation within said city in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the general indebtedness refunding bonds of 1897, and refunding bonds, respectively, issued in lieu of same.

The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax, not exceeding ten cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent per annum, and to create a sinking fund of not less than two per cent per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the sewer bonds and refunding bonds, respectively, issued in lieu of same. Provided, however, that the said board of commissioners shall not determine upon a less rate of interest than five per cent per annum upon any outstanding legal bonds of the city of Galveston, except and unless, with the consent of the holder or holders of such bonds, respectively, and if the holder or holders of any of such bonds do not so consent to a less rate of interest than five per cent per annum, then, and in that case, the bond or bonds of any such holder or holders, not so consenting, shall bear interest at the rate of five per cent per annum.

This act shall not be so construed as to authorize the board of commissioners of the city of Galveston to levy or to assess or to collect any tax in excess of the rates mentioned in this section, for the purpose or paying the interest on, or creating a sinking fund for, any series of either the outstanding bonds or the refunding bonds mentioned in this section; provided, however, that if any of such outstanding bonds be not refunded, then, and in that case, said board of commissioners shall have power to levy, assess and collect such rate of taxation to pay the interest on, and to create a sinking fund for, such bonds not refunded, as does not exceed the rate of taxation prescribed in any legal ordinances, resolution or act heretofore passed by the city council of the city of Galveston or act of the Legislature heretofore passed relating thereto, providing for the issuance and payment of either principal or interest of any such outstanding, legal, unpaid and unrefunded bonds of the city of Galveston.

Each of said funds so created shall be a special fund for the purposes aforesaid and shall not be drawn upon or diverted for any other purpose, and the city treasurer of said city of Galveston shall honor no drafts upon said fund, except to pay the interest upon, or to redeem the bonds for which each or either of said funds was created under the provisions of this section. All bonds issued as refunding bonds, shall be signed by

the president of the board of commissioners and countersigned by the secretary of said board and shall be payable at such place as may be fixed by ordinance of said board of commissioners. It shall be the duty of the president of said board of commissioners, when such bonds are issued, to forward the same to the Comptroller of the State of Texas, whose duty it shall be to register them in a book kept for that purpose, and to indorse on each bond registered his certificate of registration.

Immediately upon the qualification of the commissioners of the city of Galveston to be appointed and elected as provided in this act, or as soon thereafter as practicable, it shall be their duty to make publication of the terms of this funding act; but the passage of this act shall be and is hereby deemed sufficient notice to the holders of the present bonds of the city of Galveston now outstanding.

The manner of exchange of refunding bonds, their date of issuance, rate of interest, maturity and all other details of the issuance of the new bonds is hereby left to the board of commissioners under such rules and regulations as a majority of them shall prescribe, not inconsistent with the provisions of this act.

The acceptance and consummation by any creditor of the exchange of bonds provided by this act shall of itself operate to assign and transfer to said municipal corporation, all his rights to, and claims against the uncollected taxes or other assets whatever, of said municipal corporation, including whatever funds there may be, either in bonds, money or other securities, held in either interest or sinking funds of the issue so exchanged or refunded, with the right in said municipal corporation to enforce the same either in its own name or in the name of the creditor; and the funds that may be realized therefrom are to be paid to the treasurer of said municipal corporation, and they are hereby devoted and appropriated to the payment of the present floating debt of the city of Galveston; and after that is paid to go in the general fund for any proper municipal purposes, so far as is not inconsistent with the terms of this act.

Said board of commissioners shall have the power and it is made their duty, from time to time, as they may determine, whenever as much as two thousand dollars shall have accumulated in the sinking fund of any of the proposed series of refunding bonds, to invest the same in bonds of any such series, in bonds of said city of Galveston, in bonds of the State of Texas, or in bonds of the United States, as may be deemed most advantageous by said board; provided, however, that when bonds of any particular series are purchased for the sinking fund of the same series, said bonds shall be canceled and retired. It shall be the duty of said board of commissioners, upon the surrender of any evidence of indebtedness, for which a new bond is to be issued, under the provisions of this act, and before the said bond is delivered, to cancel the evidence of indebtedness so surrendered, with a punch or by writing across the face thereof, that it is canceled, so that it cannot be again used. All matured interest coupons shall be surrendered with the bonds, and no bond shall be received or refunded from which unmatured interest coupons are detached, unless such coupons are produced and surrendered with the bond.

Said board of commissioners shall also keep, or cause to be kept, for and on behalf of the city of Galveston, a complete bond registry and set

of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered under the provisions of this act, and all the other transactions of such board having reference to the refunding of the indebtedness of said city. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry, and the said book so required shall be kept safely among the records of the said city of Galveston.

No other taxing power whatever, for any other purpose than is set forth in this act, shall be exercised by the board of commissioners of the city of Galveston under this act.

That for any violation of the trusts imposed upon the officers or agents of the city of Galveston employed under this act, the same consequences shall follow civilly and criminally, that result from any breach of trust or willful violation of duty imposed by law upon any of the officers of the State of Texas, charged with the discharge of like duties, and for a breach of trust or willful violation of duty in respect thereof, upon conviction, they shall be punished in like manner as is or may be provided by the penal laws of the State of Texas.

SEC. 68. The board of commissioners of said city of Galveston shall have the power and they are hereby authorized to appoint a board of engineers, to consist of three competent and skilled engineers, who shall devise and report to said board of commissioners plans and specifications, with estimates of the cost, for elevating, filling and grading the avenues, streets, sidewalks, alleys and lots of the city of Galveston, so as to protect said city from overflow from the waters of the gulf and to secure sufficient elevation for drainage and sewerage. When the report of said board of engineers has been adopted by the board of commissioners, all filling, raising and grading in said city shall be done with reference to the grades thus established. The board of commissioners are authorized to spend out of the general revenue of the city a sum not to exceed ten thousand (10,000) dollars to pay for the expenses of said board of engineers.

SEC. 69. The board of commissioners shall have the power and are authorized in addition to the powers granted by this act, to issue other bonds; also to issue, from time to time, bonds of the city of Galveston, in the denomination of one hundred (100) dollars or multiples thereof, to the amount of one million, five hundred thousand (1,500,000) dollars, payable not more than fifty years after their date, with the right of the city at any time to select by lot and redeem with the sinking fund any of them, and bearing interest, payable semi-annually, at the rate of not to exceed five (5) per cent per annum. Said bonds shall not be sold or otherwise disposed of at less than par, and their proceeds shall be used and expended for raising and filling to grade the avenues, streets, sidewalks, alleys and lots in the following localities in said city, viz.:

First, that part of the city lying east of the west line of Thirteenth street and south of Market street; and, second, that part of the city lying west of Thirteenth street and south of the north line of Broadway, or such portions of said localities as may be designated by the board of commissioners upon the recommendation of the board of engineers provided for in the foregoing Section No. 68.

Said board of commissioners may also expend and use not to exceed

one hundred thousand (100,000) dollars of the proceeds of said bonds in raising and filling to grade the streets and avenues in any locality in said city. All lots and blocks in the portions of the city above designated, that are below the grades that may be established for those localities, are hereby declared to be dangerous to the health and safety of the inhabitants of said city and a public necessity exists for raising and filling the same to grade, and said board of commissioners shall have the power and are hereby authorized to cause the same to be raised and filled to grade and to pay for the same out of the proceeds of the bonds herein authorized to be issued.

SEC. 70. All moneys that may be donated or appropriated by the State of Texas to the city of Galveston shall be applied to and used for the purpose of paying the interest upon and providing a sinking fund of not less than two per cent per annum, for the redemption of the one million five hundred thousand (1,500,000) dollars of bonds the issuance of which is provided for in the preceding Section No. 69, and said board of commissioners shall have the power and are hereby authorized to levy and cause to be assessed and collected for the year 1902 and annually thereafter an ad valorem tax of not to exceed forty cents on the hundred dollars cash value of all real, personal and mixed property within the corporate limits of said city of Galveston, or that may be taxable therein on the first day of January of each and every year, except so much thereof as may be exempted by the Constitution and laws of this State or of the United States.

SEC. 71. In addition to the ad valorem tax provided for in Section No. 70 of this act, said board of commissioners may, except in so far as the same are otherwise disposed of by this act, also hypothecate and pledge the annual dividends and income that may be received by the city from its stock in the Galveston Wharf Company, or so much thereof as will, when added to the money received each year from the ad valorem tax provided for in said Section No. 70, be sufficient to pay the interest and sinking fund upon the bonds authorized to be issued under said Section No. 69 that are then outstanding.

SEC. 72. Each tax authorized under this act to be levied, assessed and collected for the purpose of paying the interest and sinking fund upon any bond issued under this act shall be, and the same is hereby, declared to be a trust fund for the purpose of paying the interest upon and providing a sinking fund for the redemption of the respective bonds for which it was levied; and when collected the money therefrom shall never be diverted from the purpose for which it was levied, nor used for any other purpose. Any dividend or income that may be pledged to secure the interest and sinking fund upon any of the bonds authorized to be issued under this act shall also be, and is hereby, declared to be a trust fund, and shall never be used for any other purpose than that for which the same may be hypothecated or pledged.

SEC. 73. The president of said board of commissioners shall cause to be prepared and make stated financial reports at least as often as once every six (6) months to the Comptroller of the State of Texas, in accordance with forms and methods to be prescribed by said Comptroller. All such reports shall be certified as to their correctness by the auditor of said city. Such reports shall be printed as a part of the public documents of the State and be submitted by the Comptroller of the State to

the Legislature at each regular session next succeeding the making of such reports. Such reports shall contain an accurate statement in summarized form, and also in detail, of the financial receipts of the city from all sources, and of the expenditures of the city for all purposes, together with a statement in detail of the debt of said city at the date of said report, and of the purposes for which said debt has been incurred, as well as such other information as may be required by said Comptroller of the State. Said Comptroller of the State shall have power, and it is also made his duty, by himself or by some competent person or persons appointed by him, to examine into the affairs of the financial department of said city; on every such examination, inquiry shall be made as to the financial condition and resources of the city, and whether the requirements of the Constitution and laws have been complied with, and into the methods and accuracy of the accounts of the said city, and as to such other matters as the said Comptroller may prescribe. The Comptroller of the State and every such examiner appointed by him shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of any such examination and the production of books and papers. A report of each such examination shall be made and shall be a matter of public record in the office of said Comptroller.

SEC. 74. That the said board of commissioners shall, in every case, before entering into any contract involving the expenditure of more than five hundred (500) dollars, advertise daily, for one week or more, in the official newspaper of said city, to be designated as provided in this act, for proposals for work to be done, or materials to be furnished, and shall open all bids on the day named in the advertisements, or as soon thereafter as practicable, in the presence of not less than three (3) members of said board, and shall enter such bids with the names of the bidders, in a book to be kept for that purpose, which book shall at all times be open for the inspection of citizens, and every bid shall remain at least one day open for discussion before any contract shall be awarded upon it, and after that time the award shall be made, if at all, to the lowest responsible bidder, who shall in all cases be required to give ample bond and security for its performance, the bond and security to be approved by the members of said board, or a majority thereof. No contract shall be made which does not receive the assent of a majority of all said board; and all such contracts involving an expenditure of said sum shall be in writing, and shall be executed by the president and secretary of said board, and shall also be executed by the other contracting party, and shall be recorded in full in a well-bound book to be kept for that purpose, open to the inspection of citizens at all times. The commissioner designated as the head of each department shall in every case involving an expenditure of over five hundred (500) dollars, before any advertisement be made for proposals, submit to the said board a statement in writing, with an estimate by him of the cost of the proposed work to be done, or materials to be furnished, and unless the same receive the sanction of at least three members of said board it shall not be advertised, nor undertaken; said written sanction to be endorsed on the statement with the estimate made by said commissioner, and to be kept on file in the office of said board. It shall be a felony for any member of

said board to become interested, directly or indirectly, nearly or remotely, in any contract of any kind made in behalf of said city, and upon conviction the guilty party shall be punished as provided by Article 266 of the Penal Code of the State of Texas, governing such matters; provided, however, that nothing in this section shall be construed to prohibit said board from having work done by day labor, or materials purchased under such rules and regulations as said board may by ordinance prescribe.

SEC. 75. That no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Galveston, in any action or proceeding in which said city may be a party interested; and all officers and employes of said city shall be exempt from jury service while holding office or in the employ of said city.

SEC. 76. At the end of each fiscal year if an amount should have accrued from taxation, or revenue received from dividends on stocks or surplus receipts, or earnings from any source, which are now or will be hereafter pledged to be applied to the interest and sinking funds for the protection of all classes of outstanding bonds, or bonds to be hereafter issued, should exceed two per cent for sinking fund, then and in that event the surplus, if any, over and above said two per cent sinking fund, can be used for the purpose of making general improvements, or otherwise, as the commissioners may determine.

SEC. 77. All ordinances of the city, when printed and published by authority of the board of commissioners, shall be admitted and received in evidence in all courts and places without any further proof whatever, and all ordinances thus printed in book or pamphlet form shall be presumed to have been printed by authority of the said board, and shall be prima facie evidence of that fact. Certified copies of ordinances shall also be received in evidence. All ordinances, resolutions, rules and regulations now in force in the city of Galveston and not in conflict with the provisions of this act, shall remain in force under this act until altered, amended or repealed by said board, after this act takes effect.

SEC. 78. There is hereby created and established in said city of Galveston a court to be known as the recorder's court in such city, which shall have the jurisdiction and organization hereinafter prescribed.

SEC. 79. Said court shall have jurisdiction within the territorial limits of said city in all criminal cases arising under this act or under the ordinances of the board of commissioners made in pursuance of this act, and shall also have jurisdiction, concurrently, with any justice of the peace in any precinct in which said city is situated, in all original cases arising under the criminal laws of this State in which the punishment is by fine only, and where the maximum of such fine may not exceed two hundred (200) dollars, and arising within the territorial limits of said city. Such court shall be known as the recorder's court of the city of Galveston.

SEC. 80. Such court shall be presided over by a judge, to be known as the recorder of such court, who shall be elected by the board of commissioners of said city as soon as practicable after their organization, and who shall hold his office for two years after his election and until his successor shall be elected and shall qualify. The secretary of the board of commissioners shall be ex-officio clerk of such court. The clerk of



said court shall hold his office as clerk of said court during his term as secretary of such board of commissioners, and until his successor as secretary of said board is elected and qualified. It shall be the duty of such clerk to keep a minute of the proceedings of the said court; to issue all process, and generally to do and perform all of the duties of a clerk of a court as prescribed by law for the clerk of the county court, in so far as the said provisions may be applicable. The judge of said court shall receive such annual salary, to be paid monthly out of the treasury of said city, as may be fixed by said board of commissioners, not exceeding the annual sum of six hundred (600) dollars.

In case of vacancy in the office of recorder or clerk of such court, the same shall be filled by the board of commissioners, sitting as a board, for the unexpired term only.

SEC. 81. All rules of pleading, practice and procedure now established for the county court shall apply in said recorder's court, in so far as the same are applicable, except that the proceedings in said court shall be commenced by complaint, in the manner and under the regulations as now prescribed by law in cases prosecuted before justices of the peace, and except that the recorder need not charge the jury except upon charges requested in writing by the defendant or his attorney, which such charges he shall have power to give or refuse, under the same rules and regulations now applicable to the granting or refusing of such charges by the county judge in criminal cases. That complaints before such court, hereby created and established, may be sworn to before the recorder, the clerk of said court, or the attorney for said board, each and every one of which officers, for that purpose, shall have power to administer oaths.

SEC. 82. The said recorder's court of said city shall have a seal, to be supplied by the board of commissioners, having engraved thereon a star of five points in the center, and the words "Recorder's Court for the City of Galveston, Texas," the impress of which seal shall be attached to all proceedings, except subpoenas, issued out of said court, and shall be used to authenticate the official acts of the clerk and the recorder, where he is authorized or required to use the seal of office.

SEC. 83. That all prosecutions in said court, whether under this act or under the provisions of the Penal Code, or under an ordinance of the board of commissioners, shall be commenced in the name of the State of Texas, and shall conclude "against the peace and dignity of the State," and where the offense is covered by an ordinance of the board of commissioners of said city, the complaint may also conclude, "as contrary to the said ordinances," and all prosecutions in such court shall be conducted by the attorney for said board of commissioners; provided, however, that the county attorney of Galveston county shall represent the State of Texas in any prosecution in said court arising under the Penal Code, and in all such cases the said county attorney shall be entitled to receive such fees, or other compensation, for said services as are or may be allowed by law in case of prosecutions before a justice of the peace; and in no case shall the said county attorney have the power to dismiss any prosecution pending in said court, unless for reasons filed and approved by the recorder of said court.

SEC. 84. That the board of commissioners shall, from time to time, by ordinance, prescribe such rules, not inconsistent with the provisions

of this act nor with the laws of this State, as in the discretion of said board of commissioners may be proper, to enforce, by execution against the property of the defendant, or by imprisonment of the defendant's person, the collection of all costs and fines imposed by such recorder's court, and shall also have power to adopt such rules and regulations concerning the practice and procedure in such court as said board of commissioners may deem proper, not inconsistent with the provisions of this act, nor with any other law of this State; and until the passage of such ordinance all rules and regulations of the city of Galveston now in force concerning the municipal court therein, and the enforcement of the collection of the fines and costs imposed by such court, shall apply to the court hereby created and established for said city of Galveston so far as the same may be applicable.

SEC. 85. That all costs and fines imposed by the said recorder's court in any prosecution therein, shall be paid, when collected, into the treasury of said city, for the use and benefit of said city; provided, however, that all costs and fines imposed by said court in any prosecution therein under the Penal Code of the State shall be disposed of as directed by law in like cases in a justice's court.

SEC. 86. That there shall be taxed against and collected of each defendant, in case of his conviction before such recorder's court, such costs as may be provided for by the ordinance of the said board of commissioners for said city; but in no case shall the board of commissioners prescribe the collection of greater costs than is prescribed by law to be collected of defendants convicted before justices of the peace.

SEC. 87. That the provisions of the Code of Criminal Procedure now in force, regulating the amount and collection of jury and witness fees and for enforcing the attendance of witnesses in criminal cases tried before a justice of the peace shall, so far as applicable, govern and be applicable to the trial of cases before the recorder's court created and established by this act.

SEC. 88. That the judge of said recorder's court shall have the power to punish for contempt to the same extent and under the same circumstances as the county judge may punish for contempt of the county court. He shall have power to take recognizances, admit to bail and forfeit recognizances and bail bonds under such rules and regulations as now govern the taking and forfeiture of the same in the county court.

SEC. 89. That all process issuing out of said recorder's court shall be served by the chief of police or any policeman of the city, under the same rules and regulations as are now provided by law for the service by sheriffs and constables of process issuing out of the county court, so far as the same are applicable. Such recorder's court shall hold no terms, but shall be deemed at all times open for the transaction of business, but each defendant shall be entitled to at least one day's notice of any complaint against him, if such time be demanded.

SEC. 90. In all cases begun in such recorder's court and thence appealed, the fines imposed on appeal, together with the costs imposed in the recorder's court and in the court to which the appeal is taken, shall be collected of the defendant and his bondsmen, and such fine and the cost of recorder's court shall, when collected, be paid into the treasury of the city of Galveston for the use and benefit of said city. When the defendant in such cases is committed to custody he shall be commit-

ted to the custody of the chief of police of said city, to be held by him in accordance with the ordinance of the city providing for the custody of prisoners convicted before such recorder's court, and said city shall be liable to the officers of the court to which the appeal is taken for the costs due them when such defendant has fully discharged such fine and costs.

SEC. 91. Appeals from judgments rendered by such recorder's court shall be from such recorder's court to the criminal district court of Galveston county, and in all such appeals to such criminal district court the trial shall be *de novo*, the same as if the prosecution had been originally commenced in that court. Said appeals shall be governed by the rules of practice and procedure for appeals from justice's courts to the county court, as far as the same may be applicable.

SEC. 92. That until the due and legal organization of said recorder's court in said city as herein provided for, the corporation court, or other municipal court of the city, as now established, shall continue to exercise its powers and jurisdictions; that, upon the due and legal organization of said recorder's court for said city, the said corporation court, or other municipal court, and the offices of the judge and clerk thereof, shall be, and the same are hereby, abolished, and the said corporation court, or other municipal court, shall be entirely superseded in said city by the recorder's court, and such offices as are herein created and established.

SEC. 93. That an act entitled: "An Act to incorporate the city of Galveston and grant it a new charter," passed on the 2nd day of August, 1876, and all other acts relative to the incorporation of the city of Galveston, as well as all amendments to the charter of said city, be and the same are hereby repealed. Excepting, however, all legal ordinances, resolutions or acts heretofore passed by the city council of Galveston and any provisions of said charter of 1876, and amendments and acts relating thereto providing for the issuance and payment of either principal or interest of outstanding legal unpaid bonds of the city of Galveston. Provided, that the rate of taxation hereafter fixed in any ordinance providing for the issuance of refunding bonds, shall not exceed the rate levied in the ordinance under which the bonds to be refunded were issued; provided further, that nothing in this act shall be taken or construed to impair the obligations of outstanding legal contracts of the city of Galveston.

SEC. 94. This act shall be taken and held to be a public law and all courts and tribunals shall take judicial cognizance and knowledge of the contents and provisions hereof, and it shall not be necessary to plead or prove such contents or provisions.

SEC. 95. Whereas the inhabitants of the territory within the limits of the "City of Galveston" have suffered a great public calamity through the storm of September 8, 1900, and there exists a necessity for immediate action by the Legislature for their relief; therefore an emergency and imperative public necessity exists requiring that the constitutional rule requiring bills to be read on three several days, be suspended, and said rule is so suspended and this act shall take effect and be in force from and after its passage, and it is so enacted; provided, that the commissioners appointed and elected, respectively under this act, shall not qualify before the first Monday in June, 1901.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given; and passed the Senate by two-thirds vote, ayes 28, nays 0.]

. Approved April 18, 1901.

Takes effect 90 days after adjournment.

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## CERTIFICATE.

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THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, John G. Tod, Secretary of State of the State of Texas, do hereby certify that the foregoing Special Laws passed at the Regular Session of the Twenty-seventh Legislature, have been carefully examined and compared by me, with the original enrolled bills now on file in this department, and are true copies of said original enrolled bills.

I do hereby further certify that the Twenty-seventh Legislature convened in the city of Austin, on the eighth day of January, A. D. 1901, and adjourned on the ninth day of April, A. D. 1901.

In testimony whereof, I hereunto subscribe my name, and  
[SEAL.] have hereto affixed the seal of the State of Texas, in the city of Austin, this eleventh day of July, A. D. 1901.

JOHN G. TOD,  
Secretary of State.



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**GENERAL LAWS**  
**OF**  
**THE STATE OF TEXAS**  
**PASSED AT THE**  
**FIRST CALLED SESSION**  
**OF THE**  
**TWENTY-SEVENTH LEGISLATURE**  
**CONVENED AT THE**  
**CITY OF AUSTIN, AUGUST 6, 1901,**  
**AND**  
**ADJOURNED SEPTEMBER 4, 1901.**



**AUSTIN:**  
**VON BOECKMANN, SCHUTZE & CO., STATE PRINTERS.**  
**1901.**



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## PROCLAMATION.

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EXECUTIVE OFFICE,  
STATE OF TEXAS.

I, Joseph D. Sayers, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution thereof, do hereby call a special session of the Twenty-seventh Legislature, to convene in the city of Austin beginning at noon, Tuesday, August 6, 1901, for the following purposes, to wit:

1. To make appropriations for the support of the State government and for the public service for the fiscal years beginning September 1, 1901, and ending August 31, 1903.

2. To apportion the State for congressional, senatorial, representative and judicial purposes.

3. To consider and act upon such other matters as may be presented by the Executive pursuant to Section 40, Article 3, of the Constitution.

In witness whereof, I have hereunto set my hand and caused

[SEAL.] the seal of State to be affixed at Austin this 21st day of June, A. D. 1901.

JOSEPH D. SAYERS,  
Governor.

By the Governor:

JOHN G. TOD,  
Secretary of State.

DEPARTMENT OF STATE,  
STATE OF TEXAS.

I, John G. Tod, Secretary of State of the State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the proclamation issued on the 21st day of June, A. D. 1901, by the Governor of the State of Texas, convening the Twenty-seventh Legislature in special session on the 6th day of August, A. D. 1901, as now appears of record on page No. 498, in Book No. 293, Executive Record, "Proclamations."

In testimony whereof, I hereunto sign my name and affix the  
[SEAL.] seal of State at the city of Austin on this the 3rd day of August, A. D. 1901.

JOHN G. TOD,  
Secretary of State.



## MESSAGES FROM THE GOVERNOR.

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### *To the Legislature:*

The following subjects are hereby submitted to the Legislature for its consideration:

1. To re-enact Senate bill No. 206, entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables; providing the amount of such fees and for the payment of sheriffs and constables' costs," which bill was received in the executive office on April 9, 1901, without the signature of the Speaker of the House of Representatives.

2. The redemption of lands and city and town lots sold to the State for taxes.

3. The settlement of titles to lands held adversely to the State under claims which originate from the Spanish and Mexican governments.

4. To grant to the Attorney General authority to withdraw from the office of Comptroller of Public Accounts such original vouchers, papers and accounts as may be necessary to enable him to properly present the claims of the State of Texas against the United States government on account of expenses incurred by the State in behalf of Greer county.

5. To amend the law relating to minerals.

6. To amend Chapter 18, approved March 17, 1901, of the General Laws.

7. To amend the charter of the city of Austin.

8. To provide a better road law for the county of Cass.

9. For the better care, protection and maintenance of the blind children of the State.

10. To enable such counties, cities and towns as have suffered through destruction of property and depreciation of values because of storms, floods or other great disasters, to compromise, refund or pay off their bonded and floating indebtedness.

11. To enable the counties, cities and towns bordering on the coast of the Gulf of Mexico to levy and collect a tax for the construction of seawalls and breakwater and for sanitary purposes, and to create a debt for such works, and to issue bonds therefor.

12. To provide for the proper care and maintenance of children who are deaf, dumb and blind.

13. To provide for taxation upon the output of oil wells.

14. To amend Chapter 113, approved April 18, 1901, General Laws.

15. To validate the incorporation of the town of Childress, Childress county, for school purposes only.

16. For the preservation of health in unincorporated towns and villages.

JOSEPH D. SAYERS,  
Governor.

*To the Legislature:*

It is a matter of essential importance that there should be immediate legislation, so as to insure and expedite the recovery of the moneys belonging to the State and in the custody of the First National Bank of Austin, Texas, at the time it was placed in the hands of a receiver by the Comptroller of the Currency. Unless such legislation be had, it is quite certain that the liquidation of the affairs of the bank will be accomplished only through the long and expensive process of a receivership. At present no authority exists for any official of the State to do otherwise than to receive the moneys that may be due.

From the best information obtainable, it is believed that there is about fifty per cent. of the private deposits and of the moneys due the State in cash, and that there are assets sufficient, if properly handled, to insure the balance that may be due from the bank, provided that its affairs be carefully administered. It is also believed that, in addition to the assets of the bank, resources of another character will be obtainable, in order to enable the bank to settle in full all demands that may be against it.

I, therefore, herewith transmit to the Legislature for its immediate consideration, copies of a resolution which, in my judgment, should receive immediate attention, and should be enacted into law at the earliest practicable moment.

JOSEPH D. SAYERS,  
Governor.

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*To the Legislature:*

The following additional subjects are hereby submitted for the consideration of the Legislature:

1. To amend Section 3, Chapter 75, General Laws, Twenty-seventh Legislature.
2. To amend Articles 402 and 406, Chapter 6, Title XI, Penal Code.
3. To validate the incorporation of the town of Athens, Henderson county.
4. To validate the incorporation of Moody, McLennan county.
5. To authorize the Superintendent of Public Buildings and Grounds to lease that part of the Old Court House Block, formerly occupied by the Austin Dam and Suburban Railroad Company.
6. To increase the amount of the bond of the State Treasurer.
7. To amend Article 386c, Title XVIII, Chapter 1, Revised Statutes.

JOSEPH D. SAYERS,  
Governor.

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*To the Legislature:*

I herewith transmit for the consideration of the Legislature and for such action as it may deem proper to take thereon, a copy of a communication addressed me by several citizens of Austin. The property to which it refers yields no revenue to the State and is entirely suitable for the purpose indicated in the communication.

JOSEPH D. SAYERS,  
Governor.

(Copy.)

AUSTIN, TEXAS, August 22, 1901.

*To His Excellency, Joseph D. Sayers, Governor of Texas, Austin, Texas:*

SIR: The undersigned are a committee representing the Masonic bodies of Austin, Texas, and in the matter of this address are a committee representing the citizenship of this community at large.

We respectfully represent to your Excellency that, for reasons deemed sufficient to themselves, the Grand Lodge of the State of Texas proposes to remove the temple of the Grand Lodge of the Masons of Texas from Houston to some more central point in the State, and has invited proposals from communities desiring to obtain the location of said temple.

Austin desires to become the home of the Masonic Grand Lodge of Texas and wishes to purchase of the State of Texas and to offer to the Grand Lodge of Masons the eastern half of the late Temporary Capitol Block, as a site for its temple.

Should the Masonic temple be located upon the site proposed, it is believed an imposing edifice will be erected upon this site—a credit and ornament to this city and to the entire State of Texas.

Premises considered, the undersigned committee offers to your Excellency, and through you to the State of Texas, the sum of twenty thousand dollars for the east half of the north half of Block No. 124 in the city of Austin, Texas. Said purchase to be consummated and said price to be paid only in the event Austin be selected for the site of the temple of the Masonic Grand Lodge of Texas.

We respectfully memorialize your Excellency to communicate the substance of this address to the Legislature of Texas, now in session, by special message.

Respectfully,

A. P. WOOLDRIDGE, General Chairman,  
H. P. HILLIARD, General Secretary,  
A. J. EILERS,  
IRA H. EVANS,  
H. L. CARLETON,  
E. C. BARTHOLOMEW,  
D. W. DOOM,  
WALTER TIPS.



# GENERAL LAWS OF TEXAS

FIRST CALLED SESSION

TWENTY-SEVENTH LEGISLATURE, 1901.

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## MILEAGE AND PER DIEM OF MEMBERS—TWENTY-SEVENTH LEGISLATURE.

S. B. No. 1.]

### CHAPTER I.

An Act making an appropriation to pay mileage and per diem pay of members, and per diem pay of officers and employes of the First Called Session of the Twenty-seventh Legislature of the State of Texas, convened August 6th, 1901, by proclamation of the Governor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the sum of forty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the payment of mileage and per diem pay of members, and per diem pay of officers and employes of the First Called Session of the Twenty-seventh Legislature.

SEC. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue warrants upon the Treasurer for the respective amounts.

SEC. 3. And, whereas, the First Called Session of the Twenty-seventh Legislature is now in session, and public policy requires their payment; therefore, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act shall take effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 26, nays 1; and passed the House of Representatives by a two-thirds vote, yeas 107, nays 0.]

Approved August 8, 1901.

Became a law August 8, 1901.

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## CONTINGENT EXPENSES—TWENTY-SEVENTH LEGISLATURE.

S. B. No. 2.]

## CHAPTER II.

An Act making an appropriation to defray the contingent expenses of the First Called Session of the Twenty-seventh Legislature of the State of Texas, convened August 6th, 1901, by proclamation of the Governor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the contingent expenses of the First Called Session of the Twenty-seventh Legislature, convened August the 6th, 1901, by proclamation of the Governor, and that the approval by the chairman of the Committee on Contingent Expenses of either house, countersigned by the President of the Senate, or Speaker of the House, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer for the payment of any account so drawn against said fund.

SEC. 2. That the public importance of the object herein contemplated creates an imperative public necessity and emergency fully authorizing the suspension of the constitutional rule requiring all bills to be read on three several days in each house, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 26, nays 1: and passed the House of Representatives by two-thirds vote, yeas 101, nays 0.]

Approved August 8, 1901.

Became a law August 8, 1901.

## FIFTY-EIGHTH JUDICIAL DISTRICT—ESTABLISHMENT OF.

S. B. No. 10.]

## CHAPTER III.

An Act to amend Section One of an act entitled 'An Act to redistrict the State into judicial districts and fix the times for holding court therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884, approved April 9th, 1883; to amend an act entitled 'An Act to regulate the terms and fix the times for holding district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties, approved April 10th, 1899;' to create the Fifty-eighth Judicial District of the State of Texas; to fix the times for holding court therein, and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and other process heretofore issued out of the district court of said First Judicial District and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That from and after the passage and taking effect of this



act, the First Judicial District of the State of Texas shall be composed of the counties of Tyler, Jasper, Newton and Orange.

SEC. 2. One term of said court of the First Judicial District shall begin in the county of Jasper on the second Monday in October and May, and may remain in session five weeks; one term shall begin in the county of Newton on the sixth Monday after the first Monday in October and May, and may remain in session four weeks, and one term shall begin in the county of Tyler on the eleventh Monday after the first Monday in October and May, and may remain in session eight weeks. One term shall begin in the county of Orange on the twentieth Monday after the first Monday in October and May, and may remain in session until the first Saturday before the second Monday in October and May.

SEC. 3. All writs heretofore issued out of the district court of Tyler, Jasper, Newton and Orange counties, as they have heretofore existed, shall be held valid to the first term of said courts, as provided for in this act; provided, said writs are otherwise valid in law, and the clerks of said court shall on the passage and taking effect of this act, make all writs returnable to the said courts as they meet under this act.

SEC. 4. The county of Jefferson shall constitute the Fifty-eighth Judicial District of the State of Texas.

SEC. 5. The terms of the district court of the Fifty-eighth District shall be begun and held in said district as follows: one term of said court shall begin on the third Monday in September, and may continue in session for eleven weeks. One term thereof shall begin on the second Monday in December, and may continue in session for ten weeks. One term thereof shall begin on the first Monday in March, and may continue in session for eight weeks. One term shall begin on the first Monday in May, and may continue in session until the first Saturday before the third Monday in September.

SEC. 6. All writs heretofore issued out of the district court of the First Judicial District for Jefferson county, returnable to the December term of said court, as now constituted, shall be valid and of the same effect as though issued out of the court created by this act, and the service thereof shall be held valid and sufficient; provided, such writs and service are in other respects in compliance with law.

SEC. 7. Immediately on the passage and taking effect of this act, the Governor shall appoint a judge for the Fifty-eighth Judicial District, who shall hold his office until the next general election held for State and county officers, and until his successor is elected and qualified.

SEC. 8. This law shall remain in effect until the first day of January, A. D. 1907, when the Fifty-eighth Judicial District and the offices created by this act shall cease to exist, and there shall be no election of a district judge or district attorney for said district at the general election in 1906, and from and after the first day of January, A. D. 1907, the counties now composing the First Judicial District of Texas, shall again compose that district, and the courts shall be held therein as provided by law immediately prior to the passage of this act.

SEC. 9. All laws and parts of laws in conflict with the provisions of this act, shall be and the same are hereby repealed.

SEC. 10. Whereas, the docket of the district court of Jefferson county is now greatly congested and important cases are pending which should be disposed of, and the present condition greatly impedes the progress of the development of said county and the State generally; and whereas,

the important litigation now pending before the Extra Session renders it doubtful if this bill could be disposed of by regular methods, therefore, such a condition creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 1; and reported to the House of Representatives, where it was amended and passed by two-thirds vote, yeas 88, nays 1; Senate concurred in House amendments by two-thirds vote, yeas 23, nays 1.]

Approved September 2, 1901.

Became a law September 2, 1901.

## SPANISH AND MEXICAN LAND GRANTS—ACT TO PROVIDE FOR TESTING VALIDITY OF.

### II. B. No. 19.]

### CHAPTER IV.

An Act to provide for ascertaining and adjudicating certain claims against or in favor of the State for lands, titles to which are claimed to have emanated from the Spanish or Mexican government; to adjust and settle the rights of the State and the owners or claimants respectively of such lands, and if found valid, to confirm as against the State, the right and title of such claimants or owners, and to provide for the patenting of the same when title thereto has been confirmed by suit or otherwise; and for the recovery thereof by the State when the claimant has no title thereto.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any person or persons who may be the original grantee, heir, legal assign, or in any manner the owner or claimant of any grant, tract or survey of land, or part thereof, situated between the Nueces and Rio Grande rivers and below a line drawn from the northern boundary of Webb county to the mouth of Moros creek, where the same empties into the Nueces river, and emanating or claimed to have emanated from the Spanish or Mexican governments, and having its origin at such time as to be, and being within the protection guaranteed by the treaty of Guadalupe Hidalgo entered into between the United States and Mexico, and proclaimed on the 4th day of July, A. D. 1848, may file a petition in the district court of Travis county, Texas, against the State of Texas as defendant for the confirmation of the title thereto, and also for the adjudication of his, her or their title, right, interest or claim therein and thereto, as against the State; which petition shall be filed with the district clerk of the county in which suit is brought, at least twenty days before the time of holding the next succeeding term of the district court in and for such county, and shall contain a full description of the grant, tract or survey of land claimed, setting forth particularly its situation, boundaries and extent, and the ownership, right, interest or claim of the plaintiff or plaintiffs, and each of them in and to said land, and the source from which such said ownership, right, interest or claim emanates, and shall accompany and file with such petition the titles or evidences of titles, or right or true copies thereof, and if in a foreign

language, in addition true translations thereof, under which the same is held or claimed, or if such ownership, right, interest or claim of plaintiff does not have its origin in or is not based upon such written evidences of title, right, interest or claim, then a statement in writing, setting forth substantially the facts upon which such said ownership, right, interest or claim is based and of which it consists; and the district court shall thereafter at a regular term thereof investigate the same, and try said cause in accordance with the laws of nations, the laws, usages and customs of the government from which such said ownership, right, interest or claim emanates or is derived, and the Constitution, laws and treaties of the United States of America and of this, the State of Texas, and the principles of equity, so far as the same are applicable, and if in accordance therewith, the plaintiff (or plaintiffs as the case may be) shall by a preponderance of the testimony show that he is entitled thereto, shall give judgment in favor of such plaintiff or plaintiffs, against the State in favor of and for the confirmation of the title to said land, describing the same by metes and bounds, or in favor of the State against such claimant or claimants, as the facts may warrant.

SEC. 2. That the original petition against the State, in any such suit as is provided for in Section 1, of this act, shall, at the time of filing, have annexed thereto, or be accompanied by an affidavit of one or more of the plaintiffs in said cause, made before some competent officer, stating that the title, or evidences of title or right, or the claim so submitted for investigation, is not forged or antedated, but that the same is, of the knowledge, or according to the information and belief of the affiant, genuine, and that he, or they, are the true and lawful owner or owners, or part owner or owners, thereof, and that all the facts set forth in said petition are true, to the best of the affiant's knowledge and belief.

SEC. 3. That upon the filing of any such petition, it shall be the duty of the clerk of the district court of the county in which any such suit against the State as is in this act provided for is brought, to issue citations to be served upon the Attorney General of this State. All such citations and their service, and the return thereon to conform to and be governed by the laws now in force in this State in other civil causes, and said citation shall be accompanied by a certified copy of the plaintiff's petition, and also by certified copies of all such said titles or evidences of title or right, or copies thereof and their translations, if any, or statement of facts upon which such claim is based, as shall have been filed with such said petition.

SEC. 4. It is hereby made the duty of the Attorney General to represent the State in all suits which may be brought under this act.

SEC. 5. Upon the trial of any cause brought by any person or persons under this act against the State of Texas any claim of title or right to land, or copy thereof, which has been spread upon the records of the county or land district where the land was situated at the time of such record for thirty years, accompanied by proof of claim in good faith under such title or right during such time, shall be admissible in evidence as if duly recorded as is provided by and subject to the conditions prescribed in Article 2312, of the Revised Statutes of Texas.

SEC. 6. That for all claims finally confirmed under the provisions of this act a patent shall issue in the name of the original grantee, his heirs and legal assigns upon presentation at the General Land Office of an authenticated certificate of such confirmation, and the field notes of

the county surveyor of the county within which the land may be situated, accompanied with the legal vouchers showing that the taxes due on said land have been paid to the State and county, in accordance with Section 13, Chapter 103, of the acts of the Twenty-fifth Legislature.

SEC. 7. That all persons owning grants for lands which emanated from the government of Spain or that of Mexico, which grants have been recognized and validated by the State by acts of the Legislature approved February 10, 1852, or which have been confirmed by a decree of court under the acts approved February 11, 1860, of August 15, 1870, or other acts, and who have returned their field notes to the General Land Office, as required by law, shall be entitled to a patent for said lands. And in case the Commissioner of the General Land Office has refused or shall hereafter refuse to issue a patent for said land, then the owner of the same may institute suit against the State, in the district court of Travis county, for the purpose of determining by decree of court the metes and bounds of the land covered by his grant. The said cause shall be governed by the rules prescribed in this act, except that the owner shall not be required to establish his right to the land further than to show that the title to the same has been validated or confirmed under some one of the acts mentioned in this section.

SEC. 8. That upon presentation at the Land Office of an authenticated copy of the judgment establishing the boundaries of said land together with proper evidence of the right of the claimant thereto, patent shall be issued to the claimant for the land embraced within the metes and bounds described in the judgment.

SEC. 9. That claimants under this act shall give bond for costs, as required in other cases; and shall pay all costs incurred in the district court, and all other costs that may be incurred in the case; provided, that nothing in this act shall be so construed as to hold the State of Texas liable for any expense that may accrue in locating or surveying any of the lands mentioned in this act, except such as the State may seek to recover to itself.

SEC. 10. All claimants of titles to be ascertained and adjudicated under the provisions of this act shall have two years from and after the passage of this act within which to bring suit; and all such claimants shall have six months after the rendition of a final judgment in their favor within which to file in the General Land Office a copy of said judgment and the field notes, as provided in Section 6 of this act. And failing to institute such suit within the time prescribed such claimants shall be forever barred of any rights conferred upon them by this act. Upon failure to file in the General Land Office the authenticated copy of the judgment and the field notes of the land, within the time provided for in this act, the claimant shall forfeit all right he may have acquired by virtue of such judgment.

SEC. 11. The Attorney General of this State is hereby directed and required to institute and prosecute, in the name of the State of Texas, such suits as may be necessary to recover from the person or persons in possession thereof or claiming title thereto, all lands which are held or claimed under titles emanating from the Spanish or Mexican governments where no valid evidence of such grants are to be found in the records or among the files of the General Land Office; and also such suits as may be necessary to determine the exact location and boundaries of such lands, where the evidence on file in the General Land Office does

not sufficiently identify the land claimed; and such suits shall be brought, prosecuted and tried in the district court of Travis county, Texas.

SEC. 12. The fact that there is now no law under which claimants of land under Spanish or Mexican grants can have their rights adjudicated and determined, and the importance of having the validity of such grants speedily ascertained, creates an emergency and an imperative public necessity, that the rule requiring bills to be read on three several days be suspended and the same is so suspended, and that this act be in force from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, yeas 69, nays 22; and passed the Senate, no vote given.]

Approved September 3, 1901.

Takes effect 90 days after adjournment.

## CONGRESSIONAL DISTRICTS.

F. C. C. S. for S. H. B. No. 3, 5 and 6.]

### CHAPTER V.

An Act to apportion the State of Texas into congressional districts naming the counties composing the same and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That until otherwise provided by law, the State of Texas shall be apportioned into the following congressional districts, each of which shall be entitled to elect one member to the Congress of the United States:

1. The following counties shall compose the First District, to wit: Bowie, Red River, Lamar, Delta, Hopkins, Franklin, Titus, Camp, Morris, Cass and Marion.

2d. The following counties shall compose the Second District to wit: Jefferson, Orange, Hardin, Tyler, Jasper, Newton, Sabine, San Augustine, Angelina, Cherokee, Nacogdoches, Shelby, Panola and Harrison.

3d. The following counties shall compose the Third District to wit: Wood, Upshur, Gregg, Rusk, Smith, Henderson, Van Zandt and Kaufman.

4th. The following counties shall compose the Fourth District to wit: Grayson, Collin, Fannin, Hunt and Rains.

5th. The following counties shall compose the Fifth District, to wit: Dallas, Rockwall, Ellis, Hill and Bosque.

6th. The following counties shall compose the Sixth District to wit: Navarro, Freestone, Limestone, Robertson, Brazos and Milam.

7th. The following counties shall compose the Seventh District to wit: Anderson, Houston, Trinity, Polk, San Jacinto, Liberty, Chambers and Galveston.

8th. The following counties shall compose the Eighth District to wit: Harris, Fort Bend, Austin, Waller, Montgomery, Grimes, Walker, Madison and Leon.

9th. The following counties shall compose the Ninth District to wit: Gonzales, Fayette, Colorado, Wharton, Matagorda, Brazoria, Jackson, Lavaca, DeWitt, Victoria, Calhoun, Aransas, Refugio, Bee, Goliad and Karnes.

10th. The following counties shall compose the Tenth District to wit: Williamson, Travis, Hays, Caldwell, Bastrop, Lee, Burleson and Washington.

11th. The following counties shall compose the Eleventh District to wit: McLennan, Falls, Bell, Coryell and Hamilton.

12th. The following counties shall compose the Twelfth District to wit: Tarrant, Parker, Johnson, Hood, Somervell, Erath and Comanche.

13th. The following counties shall compose the Thirteenth District to wit: Cooke, Denton, Wise, Montague, Clay, Jack, Young, Archer, Wichita, Wilbarger, Baylor, Throckmorton, Knox, Foard, Hardeman, Cottle, Motley, Dickens, Floyd, Hale, Lamb, Bailey, Childress, Hall, Briscoe, Swisher, Castro, Farmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

14. The following counties shall compose the Fourteenth District to wit: Bexar, Comal, Kendall, Bandera, Kerr, Gillespie, Blanco, Burnet, Llano, Mason, McCulloch, San Saba, Lampasas, Mills, Brown and Coleman.

15. The following counties shall compose the Fifteenth District to wit: Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, San Patricio, Live Oak, Atascosa, Wilson, Guadalupe, McMullen, LaSalle, Dimmit, Maverick, Zavala, Frio, Medina, Uvalde, Kinney and Val Verde.

16. The following counties shall compose the Sixteenth District to wit: El Paso, Jeff Davis, Presidio, Brewster, Pecos, Crockett, Schleicher, Sutton, Edwards, Kimble, Menard, Concho, Tom Green, Irion, Upton, Crane, Ward, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Shackelford, Stephens, Palo Pinto, Haskell, Stonewall, King, Kent, Garza, Crosby, Lubbock, Lynn, Terry, Yoakum, Cochran and Hockley.

SEC. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 3. The near approach of the close of the present session creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this bill be placed on its third reading and final passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and was reported to the Senate where same was passed, no vote given; free conference committee report adopted by House, no vote given, and was adopted by the Senate, no vote given.]

Approved September 6, 1901.

Takes effect 90 days after adjournment.

## SENATORIAL DISTRICTS.

S. H. B. No. 7.]

## CHAPTER VI.

An Act to amend Articles 16 and 17, Title IV, Revised Statutes of Texas, of 1895, and to apportion the State of Texas into senatorial districts, and to provide for receiving and canvassing the election returns and issuing certificates of election.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 16 and 17 of Title IV of the Revised Civil Statutes of Texas of 1895 be amended so as to hereafter read as follows:

Art. 16. The senatorial districts of the State of Texas shall hereafter be composed of the following named counties, each of which districts shall be entitled to elect one Senator, said districts numbered from one to thirty-one, inclusive, to wit:

- No. 1. Bowie, Cass, Marion and Morris.
- No. 2. Red River, Titus, Franklin, Hopkins and Delta.
- No. 3. Lamar and Fannin.
- No. 4. Grayson and Cooke.
- No. 5. Collin, Hunt and Rains.
- No. 6. Dallas and Rockwall.
- No. 7. Van Zandt, Wood, Smith, Upshur and Camp.
- No. 8. Harrison, Rusk, Panola, Shelby and Gregg.
- No. 9. Navarro, Henderson and Kaufman.
- No. 10. Ellis, Johnson and Hill.
- No. 11. McLennan, Falls and Milam.
- No. 12. Limestone, Freestone, Robertson and Brazos.
- No. 13. Anderson, Cherokee, Houston, Angelina and Trinity.
- No. 14. Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, liberty, Hardin, Orange and Jefferson.
- No. 15. Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.
- No. 16. Harris, Fort Bend and Waller.
- No. 17. Chambers, Galveston, Brazoria, Matagorda and Wharton.
- No. 18. Colorado, Lavaca, Fayette and Austin.
- No. 19. Washington, Burleson, Lee and Bastrop.
- No. 20. Williamson, Travis, Burnet and Lampasas.
- No. 21. Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.
- No. 22. Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, ve Oak, Karnes, Wilson, Frio, Aransas and Atascosa.
- No. 23. Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, San tricio, La Salle, McMullen and Dimmit.
- No. 24. Bexar, Bandera, Kendall, Kerr and Gillespie.
- No. 25. Kimble, Menard, Schleicher, Sutton, Crockett, Tom Green, ke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, l Verde, Edwards, Kinney, Uvalde, Medina, Zavala, Reeves, Maverick l Mason.
- No. 26. Erath, Comanche, Mills, San Saba, McCulloch, Concho, nnels, Coleman, Brown and Llano.
- No. 27. Bell, Coryell, Hamilton and Bosque.
- No. 28. Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, chell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Wink- Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Daw-

son, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

No. 29. Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Chidress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

No. 30. Tarrant, Parker, Hood and Somervell.

No. 31. Denton, Wise and Montague.

Article 17. The county judges of the following counties shall receive returns and count the votes, and issue certificates of election to persons receiving the highest number of votes for Senator at any election in their respective districts, to wit:

First district. Bowie county.

Second District. Hopkins county.

Third District. Lamar county.

Fourth District. Grayson county.

Fifth District. Collin county.

Sixth District. Dallas county.

Seventh District. Smith county.

Eighth District. Rusk county.

Ninth District. Navarro county.

Tenth District. Ellis county.

Eleventh District. McLennan county.

Twelfth District. Limestone county.

Thirteenth District. Cherokee county.

Fourteenth District. Tyler county.

Fifteenth District. Walker county.

Sixteenth District. Harris county.

Seventeenth District. Galveston county.

Eighteenth District. Colorado county.

Nineteenth District. Lee county.

Twentieth District. Williamson county.

Twenty-first District. Hays county.

Twenty-second District. Bee county.

Twenty-third District. Nueces county.

Twenty-fourth District. Bexar county.

Twenty-fifth District. Tom Green county.

Twenty-sixth District. Brown county.

Twenty-seventh District. Bell county.

Twenty-eighth District. Eastland county.

Twenty-ninth District. Clay county.

Thirtieth District. Tarrant county.

Thirty-first District. Wise county.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

Approved September 6, 1901.

Takes effect 90 days after adjournment.



## SALE OF PART OF BLOCK ONE HUNDRED AND TWENTY-FOUR TO THE GRAND LODGE OF MASONS AUTHORIZED.

H. B. No. 33.]

## CHAPTER VII.

An Act to authorize the sale of the northeast quarter of Block No. 124, in the city of Austin Travis county Texas, to the Grand Lodge of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Governor of the State is hereby authorized to sell at the price of twenty thousand dollars the northeast quarter of Block No. 124 in the city of Austin Travis county Texas fronting on Congress avenue 128 feet, and running westward 170 feet, and now the property of the State, to The Grand Lodge of Texas" being the Grand Lodge of Ancient Free and Accepted Masons and a corporation duly incorporated under the laws of this State by articles of incorporation duly filed in the office of the Secretary of State on the 10th day of January A. D. 1901, for the purpose of erecting thereon its building to be known as the Masonic Temple.

SEC. 2. And whenever there shall be filed in the General Land Office of the State the certificate of the Governor that the said property has been sold in accordance with this act, together with the certificate of the Treasurer that the said sum of twenty thousand dollars has been deposited in the State treasury for the purchase money of said property, it shall be, and is hereby made the duty of the Commissioner of the General Land Office to issue to the purchaser, the Grand Lodge of Texas, a patent for said property, as in the case of the sale of other lots in the said city of Austin.

SEC. 3. That the sale of said property shall be completed within two years, and the said building shall be in course erection within five years from the date this act takes effect, and in case the sale is made within said two years and the said building is not in course of erection at the end of said five years, then the State shall have the right to rescind the said sale upon the return of the said sum of twenty thousand dollars without interest.

SEC. 4. The near approach of the end of the present session of the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is so suspended.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

Approved September 6, 1901.

Takes effect 90 days after adjournment.

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## REPRESENTATIVE DISTRICTS.

F. C. C. S. for S. H. B. No. 4.]

## CHAPTER VIII.

An Act to apportion the State of Texas into representative districts and to fix the number of representatives thereof, and to repeal all laws in conflict herewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the State of Texas be and it is hereby apportioned and divided into representative districts, and said districts and the number of representatives in each district shall be as follows:

No. 1. The First District, composed of the county of Bowie and shall elect one representative.

No. 2. The Second District, composed of the county of Red River and shall elect one representative.

No. 3. The Third District, composed of the counties of Red River, Titus and Morris, and shall elect one representative.

No. 4. The Fourth District, composed of the county of Lamar, and shall elect two representatives.

No. 5. The Fifth District, composed of the counties of Delta, Franklin and Hopkins, and shall elect one representative.

No. 6. The Sixth District, composed of the county of Hopkins, and shall elect one representative.

No. 7. The Seventh District, composed of the county of Cass, and shall elect one representative.

No. 8. The Eighth District, composed of the counties of Marion and Harrison, and shall elect one representative.

No. 9. The Ninth District, composed of the county of Harrison, and shall elect one representative.

No. 10. The Tenth District, composed of the counties of Camp and Upshur, and shall elect one representative.

No. 11. The Eleventh District, composed of the county of Wood, and shall elect one representative.

No. 12. The Twelfth District, composed of the county of Smith, and shall elect one representative.

No. 13. The Thirteenth District, composed of the counties of Smith and Gregg, and shall elect one representative.

No. 14. The Fourteenth District, composed of the county of Panola, and shall elect one representative.

No. 15. The Fifteenth District, composed of the county of Rusk, and shall elect one representative.

No. 16. The Sixteenth District, composed of the county of Cherokee, and shall elect one representative.

No. 17. The Seventeenth District composed of the county of Nacogdoches, and shall elect one representative.

No. 18. The Eighteenth District, composed of the county of Shelby, and shall elect one representative.

No. 19. The Nineteenth District, composed of the counties of Polk, Angelina, San Jacinto and San Augustine and shall elect two representatives.

No. 20. The Twentieth District, composed of the counties of Sabine, Newton and Jasper and shall elect one representative.

No. 21. The Twenty-first District, composed of the counties of Tyler, Hardin, Liberty and Chambers, and shall elect one representative.

No. 22. The Twenty-second District, composed of the counties of Jefferson and Orange, and shall elect one representative.

No. 23. The Twenty-third District, composed of the county of Galveston, and shall elect two representatives.

No. 24. The Twenty-fourth District, composed of the county of Harris and shall elect three representatives.

No. 25. The Twenty-fifth District composed of the counties of Fort Bend and Waller and shall elect one representative.

No. 26. The Twenty-sixth District, composed of the counties of Montgomery, Trinity and Walker, and shall elect two representatives.

No. 27. The Twenty-seventh District, composed of the county of Houston, and shall elect one representative.

No. 28. The Twenty-eighth District, composed of the county of Anderson, and shall elect one representative.

No. 29. The Twenty-ninth District, composed of the county of Henderson, and shall elect one representative.

No. 30. The Thirtieth District, composed of the county of Van Zandt, and shall elect one representative.

No. 31. The Thirty-first District, composed of the county of Kaufman, and shall elect one representative.

No. 32. The Thirty-second District, composed of the counties of Kaufman, Van Zandt and Rains, and shall elect one representative.

No. 33. The Thirty-third District, composed of the county of Hunt, and shall elect two representatives.

No. 34. The Thirty-fourth District, composed of the county of Fannin, and shall elect two representatives.

No. 35. The Thirty-fifth District, composed of the county of Grayson, and shall elect three representatives.

No. 36. The Thirty-sixth District, composed of the county of Collin, and shall elect two representatives.

No. 37. The Thirty-seventh District composed of the county of Dallas, and shall elect three representatives.

No. 38. The Thirty-eighth District, composed of the counties of Dallas and Rockwall, and shall elect one representative.

No. 39. The Thirty-ninth District, composed of the county of Ellis, and shall elect two representatives.

No. 40. The Fortieth District, composed of the county of Navarro, and shall elect two representatives.

No. 41. The Forty-first District, composed of the county of Freestone and shall elect one representative.

No. 42. The Forty-second District, composed of the county of Lime-stone, and shall elect one representative.

No. 43. The Forty-third District, composed of the counties of Leon and Madison, and shall elect one representative.

No. 44. The Forty-fourth District, composed of the county of Grimes, and shall elect one representative.

No. 45. The Forty-fifth District, composed of the county of Brazos, and shall elect one representative.

No. 46. The Forty-sixth District, composed of the county of Wash- ington, and shall elect one representative.

No. 47. The Forty-seventh District, composed of the counties of Washington and Lee, and shall elect one representative.

No. 48. The Forty-eighth District, composed of the county of Burleson, and shall elect one representative.

No. 49. The Forty-ninth District, composed of the county of Austin and shall elect one representative.

No. 50. The Fiftieth District, composed of the county of Colorado, and shall elect one representative.

No. 51. The Fifty-first District, composed of the county of Lavaca and shall elect one representative.

No. 52. The Fifty-second District, composed of the counties of Lavaca and Wharton, and shall elect one representative.

No. 53. The Fifty-third District, composed of the counties of Matagorda and Brazoria, and shall elect one representative.

No. 54. The Fifty-fourth District, composed of the counties of Bee, Jackson, Victoria Calhoun and Refugio, and shall elect one representative.

No. 55. The Fifty-fifth District, composed of the county of DeWitt, and shall elect one representative.

No. 56. The Fifty-sixth District, composed of the county of Gonzales and shall elect one representative.

No. 57. The Fifty-seventh District, composed of the county of Fayette, and shall elect one representative.

No. 58. The Fifty-eighth District, composed of the counties of Gonzales, Fayette and Bastrop, and shall elect one representative.

No. 59. The Fifty-ninth District, composed of the county of Bastrop, and shall elect one representative.

No. 60. The Sixtieth District, composed of the county of Caldwell, and shall elect one representative.

No. 61. The Sixty-first District, composed of the county of Travis, and shall elect two representatives.

No. 62. The Sixty-second District, composed of the county of Williamson and shall elect one representative.

No. 63. The Sixty-third District, composed of the counties of Williamson and Burnet and shall elect one representative.

No. 64. The Sixty-fourth District, composed of the county of Milam, and shall elect one representative.

No. 65. The Sixty-fifth District, composed of the county of Robertson, and shall elect one representative.

No. 66. The Sixty-sixth District, composed of the counties of Milam and Robertson and shall elect one representative.

No. 67. The Sixty-seventh District composed of the county of Falls, and shall elect one representative.

No. 68. The Sixty-eighth District, composed of the county of McLennan, and shall elect two representatives.

No. 69. The Sixty-ninth District, composed of the counties of McLennan, Falls and Limestone and shall elect two representatives.

No. 70. The Seventieth District, composed of the county of Bell, and shall elect two representatives.

No. 71. The Seventy-first District, composed of the county of Coryell, and shall elect one representative.

No. 72. The Seventy-second District, composed of the county of Hill, and shall elect two representatives.

No. 73. The Seventy-third District, composed of the county of Johnson, and shall elect one representative.

No. 74. The Seventy-fourth District, composed of the counties of Johnson and Bosque, and shall elect one representative.

No. 75. The Seventy-fifth District, composed of the county of Erath, and shall elect one representative.

No. 76. The Seventy-sixth District, composed of the counties of Erath, Somervell and Hood, and shall elect one representative.

No. 77. The Seventy-seventh District, composed of the county of Parker, and shall elect one representative.

No. 78. The Seventy-eighth District, composed of the county of Tarrant, and shall elect two representatives.

No. 79. The Seventy-ninth District, composed of the county of Denton, and shall elect one representative.

No. 80. The Eightieth District, composed of the county of Wise, and shall elect one representative.

No. 81. The Eighty-first District, composed of the county of Cooke, and shall elect one representative.

No. 82. The Eighty-second District, composed of the county of Montague, and shall elect one representative.

No. 83. The Eighty-third District, composed of the counties of Clay and Jack, and shall elect one representative.

No. 84. The Eighty-fourth District, composed of the counties of Palo Pinto, Stephens and Shackelford and shall elect one representative.

No. 85. The Eighty-fifth District, composed of the county of Eastland, and shall elect one representative.

No. 86. The Eighty-sixth District, composed of the county of Comanche, and shall elect one representative.

No. 87. The Eighty-seventh District, composed of the counties of Hamilton and Mills, and shall elect one representative.

No. 88. The Eighty-eighth District, composed of the counties of Lampasas, San Saba, McCulloch and Mason, and shall elect one representative.

No. 89. The Eighty-ninth District, composed of the counties of Llano, Blanco and Gillespie, and shall elect one representative.

No. 90. The Ninetieth District, composed of the counties of Hays and Comal, and shall elect one representative.

No. 91. The Ninety-first District, composed of the county of Guadalupe, and shall elect one representative.

No. 92. The Ninety-second District, composed of the county of Bexar, and shall elect three representatives.

No. 93. The Ninety-third District, composed of the counties of Wilson and Atascosa, and shall elect one representative.

No. 94. The Ninety-fourth District, composed of the counties of Aransas, San Patricio, Duval and Nueces, and shall elect one representative.

No. 95. The Ninety-fifth District, composed of the counties of Cameron, Hidalgo, Starr and Zapata, and shall elect two representatives.

No. 96. The Ninety-sixth District, composed of the county of Webb, and shall elect one representative.

No. 97. The Ninety-seventh District, composed of the counties of McMullen, LaSalle, Dimmit, Zavala, Frio, Medina and Uvalde, and shall elect one representative.

No. 98. The Ninety-eighth District, composed of the counties of Bandera, Kendall, Kerr, Kimball and Edwards, and shall elect one representative.

No. 99. The Ninety-ninth District, composed of the counties of Kinney, Val Verde, Maverick, Pecos, Brewster, Presidio, Jeff Davis and Reeves, and shall elect one representative.

No. 100. The One Hundredth District, composed of the county of El Paso, and shall elect one representative.

No. 101. The One Hundred and First District, composed of the counties of Loving, Winkler, Ward, Crane Upton, Ector, Midland, Glasscock, Andrews, Martin, Howard, Mitchell, Nolan, Fisher, Scurry, Borden, Dawson, Gaines, Yoakum, Terry, Lynn, Garza, Kent, Crosby, Lubbock, Hockley, Cochran, and shall elect one representative.

No. 102. The One Hundred and Second District, composed of the counties of Tom Green, Irion, Coke, Runnels, Concho, Menard, Sutton, Schleicher, Sterling and Crockett, and shall elect one representative.

No. 103. The One Hundred and Third District, composed of the counties of Jones, Taylor and Callahan, and shall elect one representative.

No. 104. The One Hundred and Fourth District, composed of the counties of Young, Throckmorton, Haskell, Stonewall, Knox, Baylor and Archer, and shall elect one representative.

No. 105. The One Hundred and Fifth District, composed of the counties of Wichita, Wilbarger, Hardeman, Foard, King, Dickens, Motley, Cottle, Childress and Hall, and shall elect one representative.

No. 106. The One Hundred and Sixth District, composed of the counties of Floyd, Hale, Lamb, Bailey, Parmer, Castro, Swisher, Briscoe, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Roberts, Hutchinson, Moore, Hartley, Dallam, Sherman, Hansford, Ochiltree and Lipscomb, and shall elect one representative.

No. 107. The One Hundred and Seventh District, composed of the counties of Brown, and Coleman and shall elect one representative.

No. 108. The One Hundred and Eighth District, composed of the counties of Tarrant, Denton, Wise and Cooke, and shall elect one representative.

No. 109. The One Hundred and Ninth District, composed of the counties of Karnes, Goliad and Live Oak, and shall elect one representative.

SEC. 2. In all districts, composed of only one county, the county judge of such county shall receive the returns and issue the certificates of election to the representatives elected as shown by the highest number of votes cast for any one person; but in the several districts composed of more than one county, the county judges of the following named counties shall receive the returns and issue the certificates of election to the representatives elected in their respective districts, to wit:

In the Third District, Titus county.

In the Fifth District, Hopkins county.

In the Eighth District, Marion county.

In the Tenth District, Camp county.

In the Thirteenth District, Smith county.

In the Nineteenth District, Angelina county.

In the Twentieth District, Sabine county.

In the Twenty-first District, Tyler county.  
In the Twenty-second District, Jefferson county.  
In the Twenty-fifth District, Waller county.  
In the Twenty-sixth District, Walker county.  
In the Thirty-second District, Kaufman county.  
In the Thirty-eighth District, Dallas county.  
In the Forty-third District, Leon county.  
In the Forty-seventh District, Lee county.  
In the Fifty-second District, Wharton county.  
In the Fifty-third District, Brazoria county.  
In the Fifty-fourth District, Victoria county.  
In the Fifty-eighth District, Fayette county.  
In the Sixty-third District, Williamson county.  
In the Sixty-sixth District, Milam county.  
In the Sixty-ninth District, McLennan county.  
In the Seventy-fourth District, Bosque county.  
In the Seventy-sixth District, Hood county.  
In the Eighty-third District, Clay county.  
In the Eighty-fourth District, Palo Pinto county.  
In the Eighty-seventh District, Mills county.  
In the Eighty-eighth District, Lampasas county.  
In the Eighty-ninth District, Llano county.  
In the Ninetieth District, Hays county.  
In the Ninety-third District, Wilson county.  
In the Ninety-fourth District, Nueces county.  
In the Ninety-fifth District, Cameron county.  
In the Ninety-seventh District, Uvalde county.  
In the Ninety-eighth District, Kerr county.  
In the Ninety-ninth District, Val Verde county.  
In the One Hundred and First District, Midland county.  
In the One Hundred and Second District, Runnels county.  
In the One Hundred and Third District, Taylor county.  
In the One Hundred and Fourth District, Baylor county.  
In the One Hundred and Fifth District, Wichita county.  
In the One Hundred and Sixth District, Potter county.  
In the One Hundred and Seventh District, Brown county.  
In the One Hundred and Eighth District, Tarrant county.  
In the One Hundred and Ninth District, Goliad county.

SEC. 3. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed; provided, however, in case of a vacancy in office of any member of the Twenty-seventh Legislature, by death, resignation or otherwise, and a special election to fill such vacancy shall become necessary, said election shall be held in the district as it now exists.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given; Free Conference Committee report adopted by House, no vote given, and was adopted by the Senate, no vote given.]

Approved September 6, 1901.

Takes effect 90 days after adjournment.

G. L.—2.

COUNTIES AND CITIES DAMAGED BY STORM AUTHORIZED  
TO REFUND INDEBTEDNESS.

S. B. No. 7.]

## CHAPTER IX.

An Act to amend Chapter 2, Title XXV, of the Revised Statutes of Texas, 1895, by adding Articles 884, 885 and 886, authorizing counties and cities in which there has been heretofore, or may be hereafter, great destruction or damage of property and depreciation of taxable values occasioned by storms, floods, or other great disasters, to compromise, settle, fund or refund their valid, subsisting bonded and floating indebtedness, and for such purpose to issue bonds without submitting the question of issuance to a vote of the taxpayers, and to exchange said bonds for valid, outstanding bonds, warrants or scrip, or to sell said bonds and apply the proceeds in settlement of said indebtedness; also to repeal all laws in conflict with the provisions of this act.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Chapter 2, Title XXV, of the Revised Statutes of Texas, 1895, be amended by the enactment and addition of Articles 884, 885 and 886, to read as follows:

Article 884. Any county or city incorporated under the general laws of the State, in which there has been heretofore, or may be hereafter great destruction or damage of property or depreciation of the value of taxable property by reason of storms, floods, or other great disasters, is hereby authorized and empowered to fund or refund, compromise or settle its valid outstanding bonded and floating indebtedness in such manner as may be deemed to the best interest of such county or city.

Article 885. For the purpose of effecting the compromise or settlement, authorized by the preceding article, the said counties and cities are hereby severally authorized and empowered to issue bonds in denominations of not less than one hundred dollars, nor more than one thousand dollars each for an amount sufficient to consummate such compromise or settlement not to exceed the amount unpaid on the outstanding indebtedness, and the bonds hereby authorized may be exchanged for bonds, warrants, scrip, or other evidences of outstanding indebtedness of such county or city, or said bonds may be sold and the proceeds applied in the purchase of outstanding bonds or the payment of outstanding floating indebtedness; and said bonds may be issued without submitting the question of issuance to a vote of the tax payers, and may be exchanged or sold from time to time in such amounts as may be required for refunding said outstanding bonds and funding or settling said floating debts, and said bonds may be issued, if deemed necessary, to an aggregate amount not exceeding six per cent. of the taxable value of the remaining taxable property in such county or city.

Article 886. Before issuing any bonds, authorized by the two preceding articles, and not later than two years from and after the date of the storm or other disaster, the commissioners court of the county, or the city council of the city, in which such storm or other disaster has occurred shall, by an order or ordinance, as the case may be, duly entered on the minutes, recite the nature and the date of such disaster, the taxable value of the remaining property subject to taxation in said city or county, as shown by the first approved assessment roll of such county or city made after such storm, flood, or other great disaster, and the amount of said bonds that will in the judgment of said commissioners court, or the city council, be sufficient to fund, refund or compromise, or



settle the outstanding valid bonded and floating indebtedness of such county or city, stating, also, the amount of said new bonds that will be required in refunding or settling each outstanding issue of bonds, and the amount of said new bonds that will be required in funding or settling the outstanding indebtedness charged against each particular fund. Separate classes of bonds shall be issued to refund or settle, respectively, each separate issue of outstanding bonds, and to fund or settle, respectively, the indebtedness against each particular fund, and said court, or council, shall determine and record in the minutes the proportion of the several annual ad valorem taxes authorized by law that can be applied, respectively, in payment of the interest and sinking funds of the several classes of bonds without depriving the city, or county, of the funds which in the judgment of said court, or city council, will be required to meet the necessary current annual expenses of such county, or city, and a levy in proportion to such excess or excesses beyond the amount required for current annual expenses may be made to pay the interest and sinking fund, respectively, of the said several classes of bonds; provided, however, that the constitutional limitation as to the rates and purposes of the several taxes shall not be exceeded or disregarded. Said commissioners court, or city council, shall, also, by said order, or ordinance, prescribe the form and the classes of said bonds, and provide for the issuance thereof at such dates as may be expedient, and said bonds may be made payable at any date deemed expedient by such commissioners court, or city council, not later than forty years from the date of the execution, and provision may be made for the redemption of said bonds after five years, or after such longer period as may be deemed expedient, and said bonds shall bear interest as stipulated and specified in coupons attached thereto, not to exceed four per cent. per annum. And said bonds shall be issued under and subject to all requirements of Articles 918a to 918f, inclusive, of the Revised Statutes of 1895, which are not in conflict with the requirements and provisions of this act, and said bonds shall be signed by the county judge, or mayor, and attested by the county, or city, clerk, as the case may be, and when examined and certified by the Attorney General in compliance with said Article 918d said bond shall be registered by the Comptroller without requiring the old bonds, warrants or other evidence of indebtedness to be presented to him for cancellation, and said bonds shall be delivered to the county, or city, treasurer, as the case may be, and said officer shall register said bonds in a book kept for that purpose, and said bonds may thereafter be sold or exchanged as herein authorized; provided, however, that said bonds shall never be sold or exchanged for less than their face value and accrued interest, and before delivery of the bonds issued hereunder the date of sale or exchange of said bonds shall be endorsed and certified on such bond by the county judge, or mayor, whose signature shall be attested by the county, or city, clerk, as the case may be.

SEC. 2. All laws in conflict herewith are hereby repealed, and this act having a specific purpose, namely, the relief of counties and cities which have had, or may have, their revenues and resources impaired by great disasters, shall be amended or repealed only by express declaration of the legislative intent to amend or repeal said act.

SEC. 3. The fact that the coast counties have suffered great loss of property and depreciation of values by a recent storm, and the further fact that the laws now in force do not authorize said counties and cities

to fund or settle their outstanding indebtedness, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and said rule is so suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 23, nays 0, and reported to the House of Representatives, where it was amended and passed by two-thirds vote, yeas 102, nays 3; Senate concurred in House amendments by two-thirds vote, yeas 24, nays 1.]

Approved September 6, 1901.

Became a law September 6, 1901.

## DEAF, DUMB AND BLIND CHILDREN—PROVISION FOR.

S. B. No. 24.]

### CHAPTER X.

An Act to provide for the maintenance, care and education of children who are deaf, dumb and blind.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the Superintendent of the Deaf and Dumb Asylum is hereby authorized and directed to make such provisions as he may deem necessary for the maintenance, care and education of all children in the State who are deaf, dumb and blind.

SEC. 2. That application for the maintenance, care and education of all such children shall be made by the parent or guardian of such child or children to the Superintendent of the Deaf and Dumb Asylum, under such rules as may be prescribed by him; provided, said children shall be placed in a reputable school established for the purposes herein mentioned.

SEC. 3. That the sum of three thousand dollars, or so much thereof as may be necessary, be hereby appropriated per annum for the next two years out of any monies not otherwise appropriated for the purpose of carrying into effect the provisions of this act, said amount to be paid out upon the approval of the Superintendent and Board of Trustees of the Deaf and Dumb Asylum.

SEC. 4. Whereas, there exists no law in this State for the maintenance, care and education of children deaf, dumb and blind, thereby creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 1, and passed the House of Representatives by two-thirds vote, yeas 89, nays 2.]

Approved September 6, 1901.

Became a law September 6, 1901.

## SHERIFFS AND CONSTABLES—FEES OF.

S. B. No. 9.]

## CHAPTER XI.

An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables; providing the amount of such fees, and for the payment of sheriffs' and constables' costs.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Section 4, of Chapter 5, of the acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897, be amended so as hereafter to read as follows:

Section 4. The sheriffs and constables in this State shall receive the following fees:

1st. For executing each warrant of arrest or capias, for making arrest without warrant, when so authorized by law, the sum of one dollar, and in all cases five cents per mile for each mile actually and necessarily traveled in going to the place of arrest, and for conveying the prisoner or prisoners to jail, he shall receive the mileage provided in Subdivision Five of this act.

2nd. For summoning or attaching each witness fifty (50) cents.

3rd. For summoning a jury in each case where a jury is actually sworn in, two dollars (\$2.)

4th. For executing death warrant fifty dollars (\$50.)

5th. For removing or conveying prisoners, for each mile going and coming, including guards, and all other necessary expenses when traveling by railroad, ten (10) cents. When traveling otherwise than by railroad fourteen (14) cents; provided, that where more than one prisoner is so conveyed or removed at the same time, in addition to the foregoing he shall only be allowed eight (8) cents per mile for each additional prisoner; provided, that when an officer goes beyond the limits of this State after a fugitive on requisition of the Governor, he shall receive such compensation only, as the Governor shall allow for such services.

6th. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses five (5) cents; provided, that in no case shall he be allowed to duplicate his mileage when two or more witnesses are named in the same or different writs in any case, and he shall serve process on them in the same neighborhood or vicinity during the same trip he shall not charge mileage for serving such witness to or from the county seat, but shall charge only one mileage, and for such additional only, as are actually and necessarily traveled in summoning and attaching each additional. When process is sent by mail to any officer away from the county seat or returned by mail by such officer, he shall only be allowed to charge mileage for the miles actually traveled by him in executing such process; and the return of the officer shall show the character of the services, and miles actually traveled in accordance with this subdivision, and his account shall show the facts.

7th. To officers for service of criminal process, not otherwise provided for, the sum of five (5) cents a mile going and returning shall be allowed; provided, if two or more persons are mentioned in the same or different writs, the rule prescribed in Subdivision 6 shall apply.

8th. For conveying witnesses attached by him to any court, or in habeas corpus proceedings out of his county, or when directed by the

judge from any other county to the court where the case is pending, one dollar and fifty cents (\$1.50) per day, for each day actually and necessarily consumed in going to and returning from such courts, and his actual and necessary expenses by the nearest practical route, or nearest practical public conveyance, the amount to be stated by him in an account which shall show the place where the witness was attached, the distance to the nearest railroad station and miles actually traveled to each court. If horses or vehicles are used, from whom hired and price paid, and length of time consumed, and amount paid out for feeding horses, and to whom. If meals and lodging were provided, from whom and when, and price paid; provided, that officers shall not be entitled to receive exceeding fifty (50) cents per meal, and thirty-five (35) cents per night for lodging for any witness; and, provided, further, that no item or items for expenses shall be allowed, unless the officer present with his account to the officer whose duty it is to approve the same, a receipt in writing for each item of said account, except as to such items as are furnished by the officer himself. And when meals and lodging are furnished by the officer in person conveying the witnesses he shall be allowed to receive not exceeding twenty-five (25) cents per meal, and twenty-five (25) cents per night for lodging. All of the said receipts shall be filed with the clerk of the court approving such accounts. Said accounts shall also show before said officer shall be entitled to compensation for expenses of attached witnesses, that, before starting with said witnesses to the foreign court, he carried each of them before the magistrate nearest the place of serving the attachment, giving his name and residence, and that said witness made oath in writing before said magistrate, certified copies of which shall be attached to the account, that they were unable to give bond for their appearance at court, or refused to give bond after having been advised by said officer of their right to do so. And the officer shall also present to the court the affidavit of the witness to the same effect, or shall show that the witness refused to make the affidavit; and should it appear to the court that the witness was willing and able to give bond the sheriff shall not be entitled to any compensation for conveying such witness. And all accounts for fees in criminal cases by sheriffs shall be sworn to by the officer before any officer authorized to administer oaths; and shall state that said account is true, just and correct in every particular, and be presented to the judge, who shall during such term of court carefully examine such account, and if found to be correct in whole or in part shall so certify and allow the same for such amount as he may find to be correct. And if allowed by him in whole or in part, he shall so certify, and such account, with the affidavit of the sheriff, and certificate of the judge, shall be recorded by the clerk of the District Court in a book kept by him for that purpose, which shall constitute a part of the proceedings or minutes of the court. And the clerk shall certify to the original account, and shall show that the same has been recorded, and said account shall then become due, and the same shall constitute a voucher on which the Comptroller is authorized to issue a warrant, if such account when presented to the Comptroller, shall be accompanied by a certified copy under the hand and seal of the district clerk, of the returns made on the process for which such officer is claiming fees, corresponding to the amount so claimed in his account. The minutes of the court above provided for or a certified copy thereof, may be used in evidence against the officer making the affidavit for perjury

in case said affidavit shall be wilfully false. When the officer receiving the writ for the attachment of such witness, shall take a bond for the appearance of such witness, he shall be entitled to receive from the State one dollar (\$1.00) for each bond so taken, but he shall be responsible to the court issuing said writ, that said bond is in proper form, and has been executed by the witness with one or more good and solvent sureties, and said bond shall in no case be less than one hundred dollars (\$100); provided, the Comptroller may require from such officer a certified copy of all such process before auditing any account; provided, that when no inquest or examining trial has been held, at which sufficient evidence was taken upon which to find an indictment, which fact shall be certified by the grand jury, or when the grand jury shall state to the district judge that an indictment cannot be procured, except upon the testimony of non-resident witnesses, the district judge may have attachments issued to other counties for witnesses not to exceed the number for which the sheriff may receive pay as provided for by law, to testify before the grand juries; provided, however, that the judge shall not approve the accounts of any sheriff for more than one witness to any one fact, nor more than three witnesses to any one case pending before the grand jury, in which case the sheriff shall receive the same compensation as he does for conveying attached witnesses before the court. Subdivision 8 of Section 4 of this act shall apply to the officers affected thereby in all counties in Texas.

9th. For attending a prisoner on habeas corpus, for each day, one dollar and sixty cents (\$1.60) together with mileage as provided in Subdivision 5, when removing such prisoner out of the county under an order issued by a district or appellate judge.

SEC. 2. The fact that under existing law there is no compensation to sheriffs and constables such as to insure the proper enforcement of the laws of this State; therefore, an imperative public necessity and emergency exists, for the suspension of the constitutional rule requiring bills to be read on three several days. Said rule is therefore suspended and this act shall take effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 24, nays 0, and passed the House of Representatives by two-thirds vote, yeas 108, nays 4.]

Approved September 7, 1901.

Became a law September 7, 1901.

## SEA WALLS—AUTHORIZING ERECTION OF BY CITIES AND COUNTIES.

S. B. No. 13.]

### CHAPTER XII.

An Act to give effect to Section VII, Article XI, of the Constitution, authorizing all counties and cities bordering on the coast of the Gulf of Mexico to construct seawalls and breakwaters, to issue bonds therefor, and levy a tax for the payment thereof; and to further provide for construction and maintenance of said works, and payment of said bonds by sale or rent of lands reclaimed from the sea, or otherwise acquired for breakwater purposes.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the County Commissioners Court of all counties and

the municipal authorities of all cities bordering on the coast of the Gulf of Mexico, shall have the power and are hereby authorized to establish, locate, erect, construct, maintain and keep in repair sea walls and breakwaters, and to incur indebtedness and issue bonds therefor, and to levy taxes not to exceed in any one year fifty cents on the \$100.00 of taxable values of said county or city, for the payment thereof as hereinafter provided.

SEC. 2. That said County Commissioners Court and municipal authorities shall have the power, and they are hereby authorized to impose such additional uses and burdens upon all streets, alleys, public highways and other public grounds as they may deem necessary for the location, erection, construction and maintenance of sea walls and breakwaters, and to license, regulate, or grant such additional uses of said sea walls or breakwaters as will not impair their efficiency.

SEC. 3. Said counties and cities shall have the power, and they are hereby authorized to take and appropriate such land and other property as may be deemed necessary for the establishment, location, construction and maintenance of said sea walls and breakwaters, and to define the area of land needed, and to acquire, take, hold and enjoy the same for the purposes aforesaid, and to that end shall have the right to exercise the right of eminent domain and to condemn lands for the uses and purposes aforesaid, in the manner and under the conditions provided by law in case of railroad corporations; provided, nevertheless, that said County Commissioners Court or said municipal authorities shall be empowered to take the fee simple estate [estate] to the land condemned or acquired hereunder, whenever deemed necessary for the purposes of this act; and, provided, further, that before exercising the power of eminent domain hereunder said County Commissioners Court, or said municipal authorities, shall, by order, ordinance or resolution duly entered on the minutes of the County Commissioners Court, or the City Council, define and describe lands needed, and determine whether an easement or fee simple estate in said land shall be taken.

SEC. 4. Before incurring any indebtedness, and before issuing the bonds of the county, or city, for the purposes authorized by this act, said county commissioners courts, or municipal authorities, shall prescribe the amount of the bonds to be issued, the rate of interest thereon, and provide for an election, at which all tax payers who are qualified voters, entitled to vote in said county, or city, shall be allowed to vote for or against the proposed taxation for the payment of said bonds and interest thereon.

SEC. 5. For the purpose of ascertaining whether two-thirds of the taxpayers of said county, or city, have voted in favor of the proposed taxation the county judge, the county assessor and the county collector, or three members of their own body selected by the municipal authorities, as the case may be, are hereby constituted and appointed a board of inquiry. Whenever an election is ordered hereunder said board shall make out from the latest completed assessment rolls of said county, or city, a list of all tax payers of said county, or city, who are qualified voters and taxpayers entitled to vote hereunder, and from the date of the notice of said election until five days before the day thereof said board shall sit daily for the purpose of making additions to and corrections of said list, and all tax payers being qualified voters shall, during said period, have the right to apply to said board and to have their names

entered on said list. During the period of five days before said election said board shall make out under certificate and file with the county, or city, clerk, as the case may be, a complete alphabetical list of all taxpayers who are qualified voters at said election, and shall furnish printed copies of said list to the officers at each poll at said election. Said printed list furnished by said board, and the returns and poll lists of said election shall be returned to the county, or city, clerk, as the case may be. The ballots [ballots] at said election shall be printed or written on white paper, without any outward mark, or devise [device] to distinguish the same, and shall contain the words, in substance, "In favor of the proposed tax", or "Against the proposed tax". Said election shall, except as herein otherwise provided, be ordered and conducted in the same manner in all respects as are general State and county, or municipal elections, so far as the same are applicable, not including, however, registration, and provisions incidental thereto, and the returns thereof shall be made in like manner, as far as may be; provided, nevertheless, that said election may be held on thirty days notice thereof at any time fixed by the county commissioners court or municipal authorities. And the proposition to levy a tax hereunder may be renewed until the power to tax hereunder shall have been exhausted.

SEC. 6. The county commissioners court or municipal authorities shall, as soon as practicable after said election, meet and canvass the returns thereof, and with the aid of the returns and lists herein provided for, together with such other evidence as may be required, ascertain and record in the minutes of the commissioners court or of the municipal authorities the total number of tax payers of said county or city who are qualified voters on the day of said election, the number of said tax payers voting in favor of the proposed taxation, and the number of said tax payers voting against the same. In the event that two-thirds of the tax payers of said county or city who are qualified voters therein, shall have voted in favor of the proposed tax, the said county or city shall, thereupon have power to issue its bonds for the construction and maintenance of sea walls and breakwaters.

SEC. 7. Whenever bonds are issued under the preceding section, the county commissioners court or municipal authorities shall, annually levy, assess and collect, in the mode prescribed by law for other county or municipal taxes, a tax on the real estate and personal or mixed property in said county or city sufficient to pay the interest and provide a sinking fund of not less than two per cent. of the principal of all of said bonds, and all taxes collected by virtue hereof shall be held in trust by said county or city as a special and inviolable fund for the payment of interest and principal of said bonds; provided, however, that any surplus above the amount required to meet the annual interest may be invested for the benefit of the sinking fund in the bonds issued hereunder, or in bonds of the State of Texas, or of the United States.

SEC. 8. The better to enable said counties and cities to secure the protection herein provided for and to aid in the construction of said works the right to the use and control for the purposes prescribed by this act, of so much of the land or sea bottom below high tide as may be deemed necessary by said county commissioners court or municipal authorities, is hereby ceded by the State of Texas to counties and cities availing themselves of the provisions of this act.

SEC. 9. All funds, revenues and moneys derived from the sale of the

bonds herein authorized and from the sale or rent of reclaimed or other lands acquired under this act, and from additional uses of said works as herein authorized shall be deposited with the county or city treasurer, as the case may be, and shall be held in trust exclusively for the construction and maintenance of sea walls and breakwaters, including the purchase of the right-of-way therefor, and all moneys derived from the assessment and levy of taxes as aforesaid are declared to be a trust fund for the payment of interest and principal of bonds to be issued under this act; and the use or diversion of such moneys for any other purposes whatsoever is hereby prohibited, and a violation of this section shall constitute a misapplication of public money, and the person or persons so offending shall be punished as provided in Article 96, of the Penal Code of the State of Texas.

SEC. 10. All bonds issued hereunder shall be issued under and subject to the provisions of Articles 918a to 918f, inclusive, of the Revised Statutes of this State now in force, in so far as said articles do not conflict with the provisions of this act and this act shall apply to all cities bordering on the coast of the Gulf of Mexico, whether said cities are incorporated by general or special laws, and all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 11. The fact that there is no law authorizing the counties and cities on the Gulf coast to levy and collect taxes for the construction of sea walls or breakwaters so as to protect them from calamitous overflows, and the near approach of the end of the session, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 21, nays 1, and was reported to the House where it was amended and passed by two-thirds vote, yeas 91, nays 2; Senate concurred in House amendments by two-thirds vote, yeas 21, nays 1.]

Approved September 7, 1901.

Takes effect September 7, 1901.

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## LANDS SOLD TO STATE FOR TAXES—REDEMPTION OF.

S. B. No. 6.]

### CHAPTER XIII.

An Act to permit owners of real estate sold to the State of Texas for taxes to redeem the same.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the owner or any one having an interest in land or lots heretofore sold to the State, or which may hereafter be sold to the State for taxes under decree of court, as provided in Acts of 1895, Chapter 42, 1897, Chapter 103, and 1899, Chapter 65, shall have the right within two years from the date of such sale to redeem the same upon payment of double the amount of taxes and penalty for which sale was



made, together with all costs and interest now required by law; provided, that at any time within twelve months from the date of such sale redemption may be made upon the payment of the amount of taxes, penalty and interest for which judgment has been rendered, with six per cent. interest thereon from date of judgment, and all costs adjudged against the land; provided, that where lands have been heretofore sold to the State for taxes under order of court, and two years have already expired since such sale, the owner of such land shall have the right to redeem said land within two years after the passage of this act upon payment of all costs and interest and double the amount of the delinquent tax.

SEC. 2. That all parts of laws in conflict herewith are hereby repealed.

SEC. 3. The near approach of the close of the present session of the Legislature, and the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 26, nays 0, and passed the House of Representatives by two-thirds vote, yeas 91, nays 7.]

Approved September 7, 1901.

Became a law September 7, 1901.

## FIFTY-FIRST JUDICIAL DISTRICT.

S. B. No. 20.]

### CHAPTER XIV.

An Act to name the several counties composing the Fifty-first Judicial District, and to fix the time for holding the district courts therein, and to repeal all laws and parts of laws in conflict herewith.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the 51st Judicial District of this State shall be composed of the following counties: Irion, Coke, Sterling, Crockett, Sutton, Menard, Schleicher, and Tom Green, and the terms of the District Court shall be holden therein each year:

In the county of Irion on the first Mondays in September and February, and may continue in session two weeks.

In the county of Coke on the third Mondays in September and February, and may continue in session two weeks.

In the county of Sterling on the fourth Mondays after the first Mondays in September and February, and may continue in session two weeks.

In the county of Crockett on the sixth Mondays after the first Mondays in September and February, and may continue in session two weeks.

In the county of Sutton on the eighth Mondays after the first Mondays in September and February, and may continue in session two weeks.

In the county of Menard on the tenth Mondays after the first Mondays in September and February, and may continue in session two weeks.

In the county of Schleicher on the twelfth Mondays after the first

Mondays in September and February, and may continue in session two weeks.

In the county of Tom Green on the fourteenth Mondays after the first Mondays in September and February, and may continue in session until the business is disposed of.

SEC. 2. That all process issued or served before this act goes into effect returnable to the District Court in said Judicial District shall be returnable to said District Courts as fixed by the terms of this act, and said process is hereby legalized and validated, and all grand and petit jurors selected and drawn under existing laws in any of the said courts of said Judicial District shall be considered lawfully drawn and selected for the next term of the District Court of their respective counties held after this act takes effect, and all appearance bonds and recognizance taken in and for said Courts shall bind the parties obligated to appear at the next term of such Court held under this act.

SEC. 3. That all laws and parts of laws in conflict with this act shall be and the same are hereby repealed; provided, however, that in the event any term of District Courts in any county herein effected [affected] be in session when this act takes effect the same shall in no manner effect [affect] said term of court, but the same shall continue in session under the old law for said term, and this act shall only affect subsequent terms of court in said county.

SEC. 4. The fact that Schleicher county has been recently organized and under the present law there is no provision for holding a term of court in said county, and an imperative public necessity and emergency justifying the suspension of the constitutional rule requiring bills to be read on three several days, it is so suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 23, nays 0, and passed the House of Representatives, no vote given.]

Approved September 16, 1901.

Takes effect 90 days after adjournment.

## TOWNS AND VILLAGES—INCORPORATION OF FOR FREE SCHOOL PURPOSES.

H. B. No. 36.]

### CHAPTER XV.

An Act to amend Chapter 113, of the General Laws passed at the Regular Session of the Twenty-seventh Legislature, by adding thereto a provision allowing certain towns or villages to incorporate for free school purposes only.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 113, Acts of the Twenty-Seventh Legislature, Regular Session, be so amended as to read as follows: All towns and villages within the State heretofore regularly incorporated for free school purposes, and which embrace within their incorporated territory towns heretofore incorporated for municipal purposes, which latter had ceased to exercise the functions of a municipal corporation or which had not assumed control of the public schools within their limits when the former was incor-

porated, are hereby declared valid and lawful incorporations, for free school purposes from the date of their incorporation, and all acts of any such town or village incorporated for free school purposes heretofore done or hereafter to be done shall have the same force and effect as the acts of a valid and lawful incorporation for such purposes; and it is further provided, that any town or village organized as an independent school district, which may embrace in its territory portions of two or more counties, is hereby declared a valid incorporation for free school purposes, from the date of its incorporation.

SEC. 2. Any town or village mentioned in Article 616a, as amended by acts of the Twenty-fifth Legislature, Laws of 1897, page 45, whether such town or village be situated on both sides of a line dividing two counties or not, may form such incorporation for free school purposes only in the manner now provided by law, and the territory so incorporated may extend to and include within its boundaries territory in one or more counties, not exceeding an area of twenty-five square miles; provided that application shall be made to the judge of the County Court of the county in which such town or village is situated.

SEC. 3. Whereas there is no law on the statute books of this State allowing certain towns or villages to incorporate for school purposes as herein provided, creates an emergency and an imperative public necessity for the constitutional rule requiring bills to be read upon three several days to be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, vote not given, and passed the Senate, vote not given.]

Approved September 23, 1901.

Takes effect 90 days after adjournment.

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## BOARDS OF HEALTH IN UNINCORPORATED TOWNS AND VILLAGES.

H. B. No. 25.]

### CHAPTER XVI.

An Act to amend Chapter 169, of the Acts of the Regular Session of the Twenty-sixth Legislature of the State of Texas, amending Article 1544, of the Revised Civil Statutes of Texas, relating to boards of health in unincorporated towns and villages; and to repeal all laws and parts of laws in conflict therewith; and to declare an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 169, of the acts of the Regular Session of the Twenty-sixth Legislature, being "An act to amend Article 1544, Chapter 2, Title XXXII, of the Revised Civil Statutes of Texas, be so amended as to hereafter read as follows:

Article 1544. The Commissioners Court of any county in which an unincorporated town or village may be situated, shall have power to designate the lines of such town or village, and may appoint a board of health for such town, consisting of three persons, not less than two of

whom shall be regular practicing physicians. Said court when such appointments are made shall immediately notify the State Health Officer.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. The fact that there is now no law for the enforcement of sanitary regulations in unincorporated towns and villages in this State, creates an emergency and an imperative public necessity, authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 90, nays 0, and passed the Senate, vote not given.]

Approved September 23, 1901.

Takes effect 90 days after adjournment.

## FISH AND GAME LAW—AMENDMENT OF.

H. B. No. 23.]

### CHAPTER XVII.

An Act to amend Chapter 18, of the General Laws of the State of Texas, enacted at the Regular Session of the Twenty-seventh Legislature, approved March 7, 1901, relating to the fish law; and to exempt certain counties from the provisions of said act; and to repeal all laws and parts of laws in conflict herewith and to declare an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Chapter 153 of the General Laws of the State of Texas, enacted at the regular session of the Twenty-fifth Legislature, and amended at the regular session of the Twenty-sixth and Twenty-seventh Legislature, be so amended as hereafter to read as follows:

Chap. 153. That if any person shall at any time during the year take, catch, ensnare or entrap any fish, except minnows for bait, by means of nets, traps, poison or dynamite, or in any other manner than by the ordinary hook and line, or trot line, in any of the fresh waters, lakes or streams of this State, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars; provided, that minnows for bait shall not be taken by poison or dynamite; and provided further that the following counties are hereby exempt from the provisions of this act: Cherokee, Stephens, Eastland, Comanche, Knox, Shackelford, Young, Archer, Throckmorton, Baylor, Delta, Franklin, Camp, Red River, Burnet, San Jacinto, Polk, Cooke, Collin, Ellis, Hill, Kaufman, Mason, Llano, Nacogdoches, Coryell, Fannin, Rockwall, Johnson, Trinity, Lavaca, Bosque, Hamilton, Brazos, Gregg, Shelby, Sabine, Zapata, Starr, Hidalgo, Cameron, Hardin, Jefferson, Tyler, Liberty, Grimes, Jasper, Newton, Montgomery, Caldwell, Goliad, DeWitt, Montague, San Augustine, Wood, Cass, Upshur, Falls, McLennan, Somervell, Limestone, Jack, Hopkins, Harrison, Walker, Webb, Galveston, Brazoria, Wharton, Chambers, Matagorda, Freestone, Lamar.

Hunt, Austin, Rains, Brown, Denton and Angelina; provided, that the counties of Titus and Morris are hereby exempted from the provisions of this act which prohibit the entrapping or ensnaring of fish by means of nets or seines in lakes; provided the counties of Panola, Hood and Harris are exempted from all the provisions of this act except as refer to the taking, catching or ensnaring of fish or minnows by means of poison or dynamite. Provided, further that any person who shall take, catch or kill or attempt to catch or kill any fish by means of poison or dynamite or other explosive substance, in any of the waters of this State shall be subject to the penalty hereinbefore prescribed in this section; provided, further, that any person who shall take, catch, ensnare or entrap any fish by means of nets or seines, or by muddying ditching or draining in any lake, pool or pond in this State, without the consent of the owner of such lake, pool or pond, shall be subject to the penalty hereinbefore prescribed in this section; and in all prosecutions under this act the burden of proof of such consent of the owner shall devolve and be upon the defendant.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. The fact that many counties of this State have been exempt from the provisions of this law, and through some error or oversight in the enactment of this statute in the Twenty-seventh Legislature the said counties were not exempted creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and was reported to the Senate no vote given. Free Conference Committee report adopted by House, no vote given, and was adopted by the Senate, no vote given.]

Approved September 23, 1901.

Takes effect 90 days after adjournment.

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## BLIND TIGERS—KEEPING OF PROHIBITED.

H. B. No. 39.]

### CHAPTER XVIII.

An Act to amend Title XI Chapter 6 Article 406 of the Penal Code of the State of Texas of 1895, relating to the sale of intoxicating liquors; and to repeal all laws and parts of laws in conflict herewith; and to declare an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 406 of the Penal Code of the State of Texas be so amended so as to hereafter read as follows:

Article 406. If any person shall keep or run, or shall be in any manner interested in keeping or running a blind tiger in any county, or in any justice precinct, city, town, school district, or any other subdivision of the county, in which the sale of intoxicating liquor has been prohibited under the laws of this State, he shall be punished by confinement in the county jail not less than two or more than twelve months and by a fine of not less than one hundred nor more than five hundred dollars. Each

and every day such blind tiger is run or kept shall be a separate offense. A blind tiger within the meaning of this article, is any place in which intoxicating liquors are sold by any device whereby the party selling or delivering the same is concealed from the person buying or to whom the same is delivered. Upon complaint being filed to any justice of peace describing the place where any blind tiger is kept or run, such justice shall issue his warrant directed to and commanding the sheriff or any constable of his county to search such place, and if the law is being violated to arrest the person so violating it; and it shall be the duty of the officer to whom such warrant is delivered to search the place described in the warrant, and to arrest and bring before the justice who issued the writ all persons found by him therein; and if admission into said place is refused, the officer executing said warrant is hereby authorized to force open the same. In prosecutions under this article where it is proven that there is posted up at the place where such blind tiger is kept or run United States internal revenue liquor or malt license, to any one, it shall be prima facie proof that the person to whom such license is issued is keeping or running such blind tiger.

SEC. 2. The fact that there is now no law prohibiting the keeping or running of blind tigers in school districts in which the sale of intoxicating liquors have been prohibited under the laws of this State, creates an emergency and an imperative public necessity that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and was reported to the Senate where it was amended and passed, no vote given; House of Representatives concurred in Senate amendments, no vote given.]

Approved September 23, 1901.

Takes effect 90 days after adjournment.

## CITIES AND TOWNS—VALIDATING INCORPORATION OF.

S. B. No. 15.]

### CHAPTER XIX.

An Act to amend Article 386c, Chapter 1, Title XVIII, of the Revised Civil Statutes of Texas, of 1895, relating to cities and towns.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Article 386c, Title XVIII, Chapter 1, Revised Statutes of Texas, 1895, be so amended as hereafter to read as follows:

Article 386c. All cities and towns in this State whose charters may be void by reason of a failure to properly define their limits, or that may have included in such limits more territory than is provided for in Article 386a, or whose incorporation may be invalid by reason of having incorporated pastoral, agricultural or other lands adjacent to such cities and towns, including thereby more territory than is provided for in Article 386a, that shall, before January 1st, 1902, comply with Article 386b; and all cities and towns in this State heretofore incorporated, that may be invalid by reason of having incorporated pastoral, agricultural or other lands adjacent to such cities and towns, but which cities and towns

do not include more territory than is provided for in Article 386a, be and such charter and incorporation of all such cities and towns referred to in this article, are hereby in all things declared valid, and all acts of any such incorporated cities and towns are held to be binding, and full force and effect given thereto.

SEC. 2. Whereas, there is no law in Texas, validating the incorporation of cities and towns heretofore incorporated which have no more territory than provided for in Article 386a, and, whereas, there are cities and towns in Texas which have not restricted their limits, so as not to include more territory than allowed by Article 386a; and, whereas, the corporate existence of many of such cities and towns is threatened by legal proceedings whereby the public interests would be greatly injured, and many such cities and towns wish to refund their bonded indebtedness at lower rates of interest; therefore, an emergency and imperative public necessity exists for the suspension of the constitutional rules requiring bills to be read on three several days in each House, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 26, nays 1; and passed the House of Representatives by two-thirds vote, yeas 103, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 28th day of August, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.]

Became a law September 24th, 1901.

## CHILDRESS INDEPENDENT SCHOOL DISTRICT—INCORPORATION OF VALIDATED.

S. B. No. 8.]

CHAPTER XX.

An Act validating the incorporation for school purposes only of the town of Childress independent school district, heretofore incorporated as an independent school district in Childress county; validating the acts of the board of trustees thereof, and providing for the control of the public schools and the erection and purchase of sites and school buildings therein, as now provided by law for independent school districts in towns and villages incorporated for free school purposes only, and validating the levy of tax heretofore made for the support and maintenance of public schools and the levy of the tax heretofore made for purchase of school house sites and purchase and erection of school buildings in said district, and the issuance of bonds by said trustees.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The incorporation by election held by order of the county judge of Childress county on the 26th day of May, A. D. 1900, at which a majority of the votes cast were in favor of incorporation of an independent incorporated school district in the county of Childress, named the town of Childress independent school district, comprising twenty-five square miles of territory, and including within its limits the town of

G. L.—3.

Childress, which town has not assumed jurisdiction or control of the public schools therein, is hereby in all things validated, and said incorporation is hereby given full control of the public schools within its limits as now provided by law for independent school districts in towns and villages incorporated for free school purposes only.

SEC. 2. That all lawful official acts of the board of trustees of said independent school district, composed of Stovall Johnson, H. J. King, R. H. Norris, U. S. Weddington, W. L. Underwood, L. E. Haskett and E. E. Diggs, and their successors in office, elected and qualified as such trustees by virtue of the incorporation of said independent school district, are hereby validated and said board of trustees, and its successors in office, are hereby authorized and empowered to manage and control the public schools in said independent school district, levy taxes for the support and maintenance of the public schools, and for the purchase of sites and buildings and the issuance of bonds therefor, and to do any and all other acts as provided by law for boards of trustees of independent school districts in towns and villages incorporated for free school purposes only under the general law.

SEC. 3. That the levy of a tax of 30 cents on the \$100.00 valuation of property for the support and maintenance of the public schools, and the levy of a tax of 20 cents on the \$100.00 valuation of property for the purchase of sites and purchase and erection of school buildings, and the issuance of \$8,000.00 of coupon bonds, having been made by the board of trustees of said independent school district after an election at which more than two-thirds of the qualified voters of said district voted in favor of such levy of tax, the said levies of tax and issuance of bonds is hereby in all things validated.

SEC. 4. The necessity for an early solution of the uncertain condition in which the schools in said independent school district are now placed, and the benefit to be derived to said school district by having its incorporation immediately validated, create an imperative public necessity authorizing the suspension of the rule requiring bills to be read on three several days in each house, and a case of emergency that this act should take effect and be in force from and after its passage, and such rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 0; and passed the House of Representatives by two-thirds vote, yeas 98, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 31st day of August, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.]

Became a law September 24, 1901.



## CASS COUNTY ROAD LAW.

H. B. No. 28.]

## CHAPTER XXI.

An Act to create a more efficient road system for Cass county, Texas; and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and providing for the appointment of road overseers, and defining their duties; and for working of county convicts upon the roads of said county; and providing for officers' fees and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the poor farm as well as upon the public roads, or partly upon both, in the discretion of the commissioners court; and making provisions applicable as far as practicable to convicts when worked on county farms; and to provide for the summing of teams for road work, and for the allowance of time for same; and fixing a penalty for violation of this act; and repealing all laws in conflict with this act as to Cass county; and to authorize the commissioners court of Cass county to create the office of superintendent of public roads and bridges for Cass county, and defining his duties, and providing for compensation of said superintendent, and prescribing bond to be given by said officer; providing that delinquent poll taxpayers shall be subject to three days road duty; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timber, gravel, earth, stone or other necessary material; and giving persons summoned to work on roads the right to be relieved as from the discharge of such duty on payment of specific sums of money herein stipulated; and to authorize and empower the said county of Cass to issue bonds for the construction and maintenance of public roads and highways within said county, and to provide for a tax to create a sinking fund to pay same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the members of the commissioners court of Cass county shall be ex-officio road commissioners of their respective districts, and under the direction of the commissioners court shall have charge of all the teams, camping outfits, tools and machinery belonging to the county, and placed in their hands by said county; and it shall be their duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of such roads, and the making or changing of roads and the building of bridges. Each of said commissioners shall before entering upon the duties of his office in addition to his regular bond as commissioner, execute a bond of one thousand dollars, with two or more good and sufficient sureties, payable to the county judge of Cass county for the use and benefit of the road and bridge fund, conditioned that he shall well and faithfully perform all the duties required of him by law or by the commissioners court of Cass county, and that he will account for all money or property belonging to the county that may come into his possession; provided, that with the consent of the commissioners court, any one of said commissioners shall be allowed to appoint any competent person as deputy road commissioner, who shall be required to execute the same bond that is required by commissioners in this section, and such deputy road commissioner shall be entitled to the same compensation that is herein allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any commission when a deputy road commissioner has been appointed.

SEC. 2. The commissioners court of said county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining and repairing public roads of said county as it may

deem best, and from time to time said court may change its plan or system of working, all of which shall be recorded in the minutes of said court. Said commissioners court shall have full power to purchase such teams, camping outfits, tools and machinery as may be necessary for the working of its roads. Said court shall have power and authority to employ competent civil engineers for the purpose of laying out new roads or straightening roads heretofore laid out. Said court shall have full power and authority to kill all roads heretofore laid out not deemed necessary or of real benefit to the county. Said court shall have full power to construct, create or otherwise improve any road or bridge by contract. In such case said court or county judge of Cass county may advertise in such manner as said court may determine for bids to do such work, and the contract shall be awarded to the lowest responsible bidder, who shall enter into bond, payable to the county judge of said county, for the use of the road and bridge fund, with two or more good and sufficient sureties, to be approved by said court, and in such sum as said court may determine, for the faithful compliance with the terms of said contract. but said court shall have the right to reject any and all bids, and said contract shall be in writing, and recorded in the minutes of the court. At the time of making such contract, the court shall direct the county treasurer to pass the amount to a particular fund for that purpose, and the treasurer shall keep a separate account of such funds; same shall not be used for any other purpose and can only be paid out on the order of the court; provided, that hereafter all money or tax collected for the road and bridge fund shall be used for that purpose and none other. Said court shall have authority to employ any hands or teams to work on the road, under such regulations and for such price as they may deem best, not to exceed two dollars and one half per day of ten hours per day for a team and driver, and not to exceed one dollar per day for day hands, and no road hand when working out his time shall be required to work but eight hours per day, but when hands are hired by the day they shall be required to work ten hours per day.

SEC. 3. The commissioners court of said county shall require all male county convicts not otherwise employed to labor upon the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents per day on his fine first and then on the cost, for each day he may labor. The commissioners court may provide such reasonable regulations or punishment as may be necessary to require such convict to perform good work, and may provide a reward, not to exceed ten dollars, to be paid out of the road and bridge fund, for the recapture and delivery of any escaped convict, to be paid to any person other than the guard or person in charge of such convict at the time of his escape. The commissioners court may grant a reasonable commutation of time for which a convict is convicted as a reward for faithful service and good behavior in no case to exceed one-fourth of the time. Said court may provide the necessary houses, prisons, clothing, bedding, food, medicine and medical attention, and guards for the safe and humane keeping of the convicts. The commissioners court may at a regular meeting allow the officers such amount of their costs for the arrest and conviction of said convicts as is now provided by law; provided that said court shall not allow any officer more than one-half of the costs due him and adjudged against such convict. The aforesaid amount shall be paid out of the road and bridge fund, upon the order of said court, when

said fine and costs have been worked out as provided in this section; provided, that this act shall not be construed so as to relieve any convict from the payment of all costs for which he would be liable under the general laws of the State. Nothing in this section shall be construed so as to deprive the commissioners court of the right to have convicts work a part or all of the time on the county convict or poor farm, but authority is herein expressly given said court to require convicts to labor in payment of fines and costs either upon said farm or upon the public roads, or partly upon both, as said court may deem best, and the provisions of this section shall apply as far as practicable in all cases, where convicts labor upon the convict or poor farm.

SEC. 4. Each county commissioner shall have charge of all road overseers in his district, and shall deliver to each of them all teams, tools and machinery necessary to working of roads in the district of said overseer, so far as he has been supplied therewith by the commissioners court, taking receipt of his overseer therefor, specifying each item and giving its value, which receipt shall be full answer for the liability of the commissioner, and shall fix the liability of the overseer, and any commissioner or overseer who has been intrusted with any teams, tools, or machinery belonging to said county shall be liable for any damages that may occur to the same while in his possession caused by negligence or want of due care of same, and shall not use or permit the same to be used for private purposes. It shall be the duty of the road overseer when he has finished work on his road to return to said commissioners all teams, tools and machinery received by him from them, and take up the receipt given therefor.

SEC. 5. It shall be the duty of the commissioners when acting as road commissioners to inform themselves of the condition of the public roads in their districts, and they shall determine what character of work shall be done upon said road, and shall direct the manner of grading, draining or otherwise improving the same, which direction shall be observed and obeyed by all overseers of their districts.

SEC. 6. The commissioners may require each overseer in his district to call out the hands in such number as may be sufficient to perform the work, but no road hand shall be required to work exceeding five days in any one year, or two and one-half days with himself and team, unless the term of service as prescribed by the general laws shall be extended beyond that time; and provided, that all road hands in any district shall as far as practicable be worked a uniform time. Each road overseer, or in case of his absence, any person deputized by him, shall have full control of all road hands within his district and shall see that each hand when called out shall perform a good day's work, and that if any hand when so called out shall refuse to do a good day's work, or to work in the manner the overseer may direct, shall be liable to the same penalty as if he had failed to appear in obedience to the summon. The commissioners court may allow any overseer who shall be engaged in the discharge of the duties of his office for more than five days during one year, a compensation of not to exceed one dollar per day for each day served over five days during any one year.

SEC. 7. Any citizen of Cass county who is subject to road duty who shall on or before the first day of February of any year pay to the county treasurer of said county the sum of three dollars or who shall pay the overseer of his respective district said sum on or before said time shall

be exempt from road duty for such year, beginning on the first day of February. Overseers shall receipt for all moneys so paid them, and shall immediately, or within ten days of the receipt of same, pay all amounts so received over to the county treasurer, taking receipt therefor, and shall furnish the county treasurer a statement under oath, showing the amount so collected, and by whom paid. Any overseer who shall fail to comply, or neglect any provision of this section as herein set forth, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than two hundred dollars, or imprisonment in the county jail not exceeding sixty days, or by both fine and imprisonment. The treasurer shall receive and receipt for all moneys so paid him, and place the same to the credit of the road and bridge fund, for which purpose alone same shall be expended. The treasurer shall on the third day of February of each year, or as soon thereafter as practicable, furnish the commissioners court with a list of all persons who have paid said sums as provided in this section, and said court shall immediately through the sheriff of the county, notify the overseers in districts where said sum has been paid of the payment, of the amount of said sum, and by whom paid.

SEC. 8. Every person liable to work on the public roads of Cass county, who shall pay the road overseer at any time before the day appointed to work on his road the sum of one dollar for each day that he is summoned to work shall be exempt from work for each day paid for.

SEC. 9. Each person summoned to work on the road shall take with him an axe, hoe, pick, spade, shovel, plow, scraper or such other tools as may be desired or directed by the overseer or if he has no such tools as are desired and directed by the overseer to take with him, he shall take such other tools as he may have, provided the county shall be liable for, and the commissioners court under such regulations as they may prescribe shall pay for all breakage or damage to tools as may have resulted from road work, and not caused by the negligence or carelessness of the person furnishing the same. Such overseer shall also summons and require such road hand to bring with him for road work such team or teams as he may have on hand suitable for road work, provided, that such hand shall be allowed two days time for each day put in by hand and his team, and one day's time for his team without such hand; provided, it shall be unlawful for any road overseer, superintendent of public roads and highways or county commissioners, when acting in the place of ex-officio road commissioner to work or use any team or teams of which he is the owner upon the public county roads at an expense to the county, and the commissioners court shall not allow any compensation for such services so rendered.

SEC. 10. If any person liable to work on the public roads after being legally summoned, shall wilfully refuse or fail to attend, either in person or by competent an able substitute, or fail or refuse to his team, or tools at the time and place designated by the person summoning him, or to pay the overseer one dollar per day for each day summoned to work, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not to exceed ten dollars.

SEC. 11. At the first regular term of the commissioners court of each year, all road overseers shall make their report under oath upon the forms to be furnished them by said court, and all accounts for services

or labor performed for overwork by such overseers during the past year, and of moneys had and expended by him, shall be audited and settled. As soon thereafter as practicable the commissioners court shall appoint and commission road overseers for the succeeding year, and such appointment shall not be made at the suggestion of the hands upon the road, but the commissioners shall select one known to be of good moral character, competent and able to perform the work of such road overseer. Any overseer intentionally failing to perform his duties as such overseer, or failing or refusing to perform the duties of such overseer when appointed by said court, or to perform any duties required of them by law, or by the commissioner of his district, or county superintendent of public roads and highways, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor exceeding twenty-five dollars.

SEC. 12. Whenever it shall be necessary to occupy any land for the opening, widening, straightening, changing or draining any road, or any part thereof, if the owner of said land cannot agree with the court as to damages to be paid, the court may proceed to condemn the same in accordance with the provisions of the general statutes of Texas, and the county in no case shall be required to give bond.

SEC. 13. When to the overseer it may appear expedient to make causeways and build bridges, or to gravel any public road, the timber, gravel, or earth, or any other necessary material most convenient therefor, may be used, but in such case the owner of such timber or gravel, earth, stone or other necessary material, shall be paid out of the county treasury, a fair compensation for same to be determined by the commissioners court upon application of such owner.

SEC. 14. Each county commissioner, when acting as road commissioner, shall be entitled to two dollars per day for services actually performed; provided, that he shall not receive more than thirty dollars per quarter. Said per diem shall be paid out of the road and bridge fund, when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall make oath that the account is just, due, and unpaid, and said account [shall] specify the number of days' work actually performed by him, and that it was necessary to be done under the circumstances, and if he worked only a part of a day, the number of hours worked shall be stated, and no commissioner shall be entitled to pay as road commissioner, either for himself or deputy, while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting over his road or other road services.

SEC. 15. In all cases where the cost of material and labor exceeds two hundred dollars it shall be the duty of said court to construct, grade, or gravel, or otherwise improve any road or bridge by contract, the same to be advertised for as provided by commissioners.

SEC. 16. The office of county superintendent of public roads and bridges is hereby created, and the commissioners court of Cass county shall, at its first regular term after this law shall have taken effect, appoint a county superintendent of public roads and bridges, who shall hold his office until removed by said court, in which case there shall be another appointed to fill such vacancy. Such county superintendent of roads and bridges shall be a person of good character, executive ability,

and versed in road working, and shall be a free-holder in the county of Cass. Such superintendent shall have charge of, shall direct the labor of county convicts when doing road duty, and all the hands placed under him, and may through the direction of the commissioners court, employ other hands to labor on the public roads, provided, that such hand or hands shall not cost at the rate of more than one dollar per day. The commissioners court shall supply said superintendent with such teams camping outfit, tools and machinery as in his judgment is necessary to prosecute the work to the best interest of the county, either by purchase, lease, hire, or rent. Such superintendent shall perform the duties of his office from time to time under such regulations as in the judgment of the commissioners court may seem best, and said superintendent shall at all times be subject to the direction or immediate control of the commissioners court, and when in discharge of his duties shall labor ten hours per day. Such superintendent of public roads and bridges, before entering upon the discharge of his duties, shall take the oath of office prescribed by law, and shall enter into bond in the sum of two thousand dollars with two or more good and sufficient sureties, to be approved by the commissioners court, and to be filed by the county clerk of Cass county, and said bond shall be made payable to the county judge of Cass county and his successor in office in trust for the road and bridge fund of Cass county, and be conditioned for the faithful performance of all the duties of his office. In case said bond is forfeited and collected, the sum so collected shall become a part of the road and bridge fund of Cass county. Such superintendent while actually engaged in discharge of the duties of his office, shall receive from the road and bridge fund of Cass county a salary not to exceed eight hundred dollars per annum. Said superintendent shall make a quarterly report to the commissioners court of Cass county, showing the number of miles worked, amount of money paid for labor, number of hands performing labor under provisions of this statute, teams hired, and a full statement of all expenses of every character and kind incurred in working said road, which said report shall be under oath.

SEC. 17. The county superintendent or the overseers of the various precincts or districts as the case may be, shall obtain from the tax collector of Cass county as soon after the first day of January of each year as practicable and before the first day of May thereafter, a full list of delinquent poll taxpayers of Cass county for the previous year, and the persons so appearing on said list, and who are such delinquent poll taxpayers, shall be subject to road duty for a period of three days during such year, and they shall be summoned as in other cases to work the roads in the road district or precinct in which said person shall reside. and the performance of the road service provided for in this section shall not exonerate the person from any other road duty to which the person performing the same may be subject, but they shall be taken as cumulative. The persons required to perform road duty as provided under this section shall be subject to prosecution as provided in Section 10 of this act, or other laws of this State, and subject to the same liabilities, penalties and punishments provided for in other cases for failing to appear and do good work when summoned to do so as provided for in this act, or other laws of this State, and all such laws shall apply to parties required to work roads under provisions of this section. And when they are convicted for failure to work roads, they shall satisfy the

fine and costs as in other misdemeanor cases. But any person summoned to work on the road under the provisions of this section may satisfy such summons and be relieved from such duty by paying said sum of three dollars which shall be apportioned as the law directs.

SEC. 18. The commissioners court of Cass county are hereby authorized and empowered in addition to the bonds heretofore authorized by law to be issued for the purpose of constructing and maintaining public roads and highways and bridges in said county to borrow money and issue bonds, not to exceed limit of county indebtedness fixed by the Constitution of the State.

SEC. 19. The commissioners court of Cass county shall have authority to levy a tax to the limit allowed by the Constitution for the purpose of creating a sinking fund, and to provide for the payment of the interest on the bonds issued for the purpose of maintaining the public roads of said county. The bonds authorized to be issued by this and the preceding section shall be issued in conformity with the General Laws of the State relating to the issuance of county bonds; provided no election shall be required to authorize the commissioners court to issue such bonds.

SEC. 20. This act shall be taken notice of by all courts in the same manner as the general laws of the State on the subject of roads and bridges and when not in conflict therewith, but in case of conflict this act shall control as to the county of Cass, and all local and special laws in conflict herewith are hereby repealed.

SEC. 21. The fact that there is no sufficient general law in force in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 4th day of September, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.]

Takes effect 90 days after adjournment.

## GRAYSON COUNTY ROAD LAW—AMENDMENT TO.

H. B. No. 35.]

### CHAPTER XXII.

An Act to amend Section 3, Chapter 75, Laws of the Regular Session of the Twenty-seventh Legislature, being the Grayson county road law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 3, Chapter 75, Laws of 1901, passed at the regular session of the Twenty-seventh Legislature, be and the same is so amended as to hereafter read as follows:

SEC. 3. The commissioners court of said county shall require all

county convicts not otherwise employed to labor on the public roads, under such regulations as they may prescribe, and each convict so worked shall receive a credit of fifty cents on his fine first, and the on the cost, for each day he may labor; provided, that this shall not be so construed as to relieve any convict from the payment of all costs for which he would be liable under the general laws of this State. The commissioners court may grant a reasonable commutation of time for which a convict is committed, as a reward for faithful service and good behavior; provided that such commutation shall in no case exceed one-tenth of the whole time. The commissioners court may provide the necessary houses, prisons, clothing, bedding, food, medicine, medical attention and guards for the safe and humane keeping of convicts; provided whenever a convict who has been committed to jail in default of payment of fine and costs adjudged against him, has satisfied such fine and costs in full by labor in the work house, on the county farm, on the public roads of the county, or upon any public works of the county, said county in which said conviction was had shall be liable to each officer and witness having cats [costs] in the case against said convict for only one-half of such costs, and the county judge of said county shall issue his warrant upon the county treasurer in favor of each officer and witness for one-half of all such legal costs as may have been taxed against said convict, not to include commissions, and the same shall be paid out of the road and bridge fund of the county or out of any other county funds not otherwise appropriated.

SEC. 2. The near approach of the close of the present session of the Legislature, and the crowded conditioned of calendar, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives by two-thirds vote, yeas 96, nays 1; and passed the Senate by two-thirds vote, yeas 24, nays 1.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 4th day of September, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.]

Became a law September 25, 1901.

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## RESOLUTIONS.

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### MAJOR LUTHER R. HARE—RECOMMENDING HIM FOR POSITION OF BRIGADIER GENERAL.

S. C. R. No. 1.] SENATE CONCURRENT RESOLUTION.

Whereas, Major Luther R. Hare, of the 12th Cavalry, Regular Army of the U. S., graduated from West Point in June, 1874, with the rank of 2nd Lieutenant of Cavalry, since which time he has, by courage, ability and devotion to duty reflected credit upon himself and honor upon Texas, as is shown by the record of his services as follows: Two years as 2nd Lieutenant of Cavalry, fourteen years as 1st Lieutenant of Cavalry, and eleven years as Captain of Cavalry in the Regular Army, with intermediate and concurrent service as Lieutenant-Colonel and Colonel of the 1st Texas Volunteer Cavalry in 1898; Colonel of 33rd Volunteer Infantry in 1899; and Brigadier-General of Volunteers in 1900; during which years he participated in the following battles, engagements, etc.: Little Big Horn, Montana, in 1876; Canon Creek, Montana, in 1877, Landing at San Fabian, 1899, San Jacinto, 1899, Taynadan Pass, 1899, San Jose, 1899, In mountains, 1899, Licuan in 1900; besides leading the perilous and successful expedition for the rescue of Lieutenant Gilmore from Dec. 13th, 1899, to Jan. 6th, 1900, one of the most daring achievements of modern warfare, and leading also the expedition for the rescue of Captain Shields and his men from Oct. 6th to Oct. 12th, 1900; a record of daring and successful service rarely equaled in the annals of the American army, and which, in the judgment of the Legislature of the State of Texas, justly entitles the distinguished soldier to a rank which will be a fit reward for more than a quarter of a century of uninterrupted and arduous service, in which he has manifested the possession of every quality required of a capable commander; therefore, be it

Resolved, That upon the record Major Hare has made for himself, the Legislature of the State of Texas does most earnestly and cordially commend him to the President of the United States for promotion to the rank of Brigadier-General in the Regular Army of the United States, and does request that he be so appointed, believing that his faithful and valiant services entitle him to that reward, as they also entitle Texas to the honor that will be conferred upon her by such promotion.

Resolved, further, That duly enrolled and attested copies of this resolution be by the Governor transmitted to the President of the United States, to Nelson A. Miles, General in command of the United States army, to each of the delegation representing Texas in Congress, and a like copy be transmitted to Major Hare.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given, and passed the House of Representatives, no vote given.]

Approved August 14, 1901.

## MAC. STEWART—RECOMMENDED PARDON OF.

H. C. R. No. 1.] HOUSE CONCURRENT RESOLUTION.

Whereas, On the 31st day of May 1895, Mac. Stewart was convicted of murder and sentenced to be shot at Parral in the State of Chihuahua Republic of Mexico, which said sentence was commuted to imprisonment for the term of twenty years; and,

Whereas, The said Mac Stewart faithfully and honorably served this State as a soldier in the army of the Southern Confederacy and thereby endeared himself to his comrades in arms, many of whom still survive and deeply sympathize with him in his trouble; and

Whereas, To serve out the full term of said imprisonment would result in his confinement until May, 1915, at which time if he shall live so long he will have attained the age of 71 years, which said term would be equivalent to imprisonment for life; and

Whereas, His old comrades in arms, fully appreciating the generosity of the Mexican government in sparing his life by commuting his sentence are convinced of his sincere desire to return to his native land and there resume his citizenship and to spend his declining years among former friends and associates; and

Whereas This body is fully satisfied of the good faith of the said Stewart and his friends, and desire on their behalf that he be released from imprisonment. Now therefore be it

Resolved by the House of Representatives, the Senate concurring; (1) That the Legislature of the State of Texas hereby give its endorsement and approval to the efforts of the friends of said Stewart in getting his release.

(2) They hereby join in a request to his Excellency Porfirio Diaz, the honorable President of the Republic of Mexico, and to his Excellency Miguel Ahumada, Governor of the State of Chihuahua, for a pardon for the crime of which he was convicted and a release from the penalties which attach thereto.

(3) That this resolution be presented to the Honorable Powell Clayton, Ambassador to the Republic of Mexico with the request that they be properly presented to the consideration of the officials above mentioned.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given, and passed the Senate. no vote given.]

Approved August 16, 1901.

## SOUTHWESTERN INSANE ASYLUM—AUTHORIZING CONTRACT FOR WATER SUPPLY.

S. C. R. No. 2.] SENATE CONCURRENT RESOLUTION.

Resolved by the Senate of the State of Texas, the House of Representatives concurring: That the Governor of the State of Texas and the Board of Managers of the Southwestern Insane Asylum at San Antonio, Texas, be and they are hereby empowered to enter into a contract for the

term of ten years from the date of said contract between the State of Texas of the one part and the Water Works Company of San Antonio, Texas, of the other part, for the purpose of securing and providing additional water for the use of said Southwestern Insane Asylum; provided, that said contract secure and provide said water for the use of said asylum at a rate not to exceed the sum of six and two-thirds cents per one thousand gallons for all water used and consumed up to and including the quantity of one hundred and fifty thousand gallons per day of twenty-four hours; and for all water used and consumed exceeding said quantity of one hundred and fifty thousand gallons per day of twenty-four hours, a rate of not exceeding six cents per one thousand gallons.

Resolved, further: That said Board of Managers, acting in conjunction with the Governor of the State of Texas, shall legally and properly secure the rights of the said asylum in and under said contract; provided, said contract is in the judgment of the Governor and the asylum board, the best arrangement that can be made.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given, and passed the House of Representatives, no vote given.]

Approved August 20, 1901.

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COMPTROLLER'S DEPARTMENT—AUTHORIZING ATTORNEY GENERAL TO WITHDRAW CERTAIN PAPERS THEREFROM.

H. C. R. No. 2.] HOUSE CONCURRENT RESOLUTION.

To permit the Attorney General to withdraw from the Comptroller's office such original vouchers, papers and accounts as may be necessary to enable him to properly present the claims of the State of Texas, for payment by the United States, under act of Congress approved January 15th, 1901.

SECTION 1. Whereas, By act of Congress approved January 15th, 1901, the Secretary of the Interior was authorized and directed to inquire and ascertain the total taxes collected by the State of Texas for any and all purposes from the inhabitants of Greer county, upon lands or other property located therein from 1860 to 1896, the total amount paid by the State of Texas to Greer county or its officers or agents, for school purposes, other than lands, from 1860 to 1896, and the disposition made thereof by said county, the total of all other expenses incurred by the State of Texas from 1860 to 1896 in the enforcement of law and order, the care of the deaf, dumb, blind and insane, and generally for the protection of life, liberty and property in said county, and the establishment and maintenance of the government for the inhabitants thereof, or a fair estimate of the same, and

Whereas, It may be necessary in presenting the aforesaid claim of the State of Texas, for the Secretary of Interior to have the original vouchers, papers and accounts which are evidence of said claims for the purpose of establishing the validity thereof as against the United States.

Now therefore, the Comptroller is hereby authorized and directed to deliver to the Attorney General all such original vouchers, papers and accounts as may be necessary in the opinion of the Attorney General to

support the claim of the State of Texas against the United States Government.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

Approved August 28, 1901.

## BOARD OF LIQUIDATION TO COLLECT MONEY FROM FIRST NATIONAL BANK OF AUSTIN.

H. J. R. No. 1.]      HOUSE JOINT RESOLUTION.

**Joint resolution constituting the Governor, Comptroller and Attorney General a board and authorizing said board to make and enter into any agreement which in its judgment may be necessary in order to secure the return to the proper officials of the moneys now in the custody of the First National Bank of Austin, Texas, or the receiver thereof, and belonging to the State.**

Whereas, The First National Bank of Austin, Texas, has been placed in the hands of a receiver by the Comptroller of the Currency; and

Whereas, There was in the custody of said bank at the time such action was taken certain large sums of money, the property of the State of Texas; and

Whereas, Negotiations are pending for either the resumption of business by, or the voluntary liquidation of the said bank; and

Whereas, If the affairs of said bank are wound up by a receiver, considerable time must elapse before the moneys belonging to the State can be returned to the proper officials; now, therefore,

*Be it resolved by the Legislature of the State of Texas:*

**SECTION 1.** That the Governor, Comptroller and Attorney-General be, and they are hereby constituted a board, and that such board is authorized to make and enter into such agreement as in their judgment may be necessary to secure the return to the proper officials of all moneys in the custody of the First National Bank of Austin, Texas, or the receiver thereof.

**SEC. 2.** Nothing in this resolution shall be construed as a waiver of any rights, liens, claims or demands which the State now has, or as affecting the liability of the Treasurer or the Secretary of State, or the sureties upon the official bonds of such officers; provided, that said board is authorized to accept a bond or bonds with good and sufficient sureties for the full and faithful compliance with the provisions of any agreement that may be made in pursuance of this resolution, and said bond or bonds shall be made payable to the State of Texas, and when approved by said board shall be filed in the office of the Comptroller of Public Accounts, to be recovered upon as other official bonds.

**SEC. 3.** The fact that no one is clothed with authority to make any agreement of the character provided for in this resolution, creates an emergency and an imperative public necessity that the constitutional rule requiring resolutions to be read on three several days be suspended, and the same is so suspended, and that this resolution take effect and be in force from and after its passage; and it is so resolved.

[NOTE.—The enrolled bill shows that the foregoing resolution passed

the House of Representatives by two-thirds vote, yeas 89, nays 9, and passed the Senate by two-thirds vote, yeas 25, nays 1.]

Approved August 30, 1901.

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#### AUTHORIZING LEASE OF PORTION OF OLD COURT HOUSE SITE.

H. C. R. No. 3.] HOUSE CONCURRENT RESOLUTION.

Whereas, Heretofore, towit, on the 19th day of July, 1899, the Superintendent of Public Buildings and Grounds in pursuance of House Concurrent Resolution No. 35, passed by the Twenty-sixth Legislature, leased to the Austin Dam and Suburban Railway Company, a corporation, a portion of what is known as the old court house site, situated in the City of Austin in Travis county, Texas, for a period of ten (10) years from the 20th day of June, 1899, and

Whereas, The said Austin Dam and Suburban Railway Company has defaulted in the payment of the rent agreed to be paid in said contract, and,

Whereas, In pursuance of the terms of said contract, the Superintendent of Public Buildings and Grounds because of the non-payment of the rent as above stated, has forfeited said lease contract and the same has been canceled, and

Whereas, It is desirable that said property be leased in order that some revenue to the State may be obtained, now therefore,

Be it resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Superintendent of Public Buildings and Grounds be, and he is hereby empowered and directed to lease that portion of said property heretofore leased to the Austin Dam and Suburban Railway Company to such party or parties, and for such price as may be deemed best by him and for the best interest of the State, not less than two hundred dollars per year for a term not extending beyond the 20th day of June, 1909; that said contract shall provide for quarterly payments in advance of the amount agreed upon and that the said Superintendent of Public Buildings and Grounds shall have the power and authority to forfeit and cancel such lease upon the failure to pay the rent so agreed, provided the State reserves the right to cancel the contract at the expiration of five years.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

Approved September 6, 1901.

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NATIONAL PARK—RESOLUTION ASKING THE PRESIDENT  
AND CONGRESS TO ESTABLISH ONE IN THE  
SACRAMENTO MOUNTAINS.

S. C. R. No. 4.] SENATE CONCURRENT RESOLUTION.

Whereas, A study of the physical and meteorological conditions of that vast area of Texas between the Brazos and Pecos rivers, including especially the staked plains or table lands of Texas and New Mexico, and their close relations to the Sacramento mountains in the southeastern portions of New Mexico, discloses the fact that the summer torrential rains that with unfailing regularity have, within the memory and traditions of the oldest inhabitants, fallen upon the aforesaid entire chain, and that in connection with the heavy fall, winter and spring snows have caused these great mountain ranges to be densely covered by magnificent forests of white and yellow pine, spruce, fir, cedar and other forest trees; and,

Whereas, It is obvious that the cold, high altitudes of these mountains ranging from 8,500 to 14,200 feet, and distant in places less than one hundred and fifty miles from the Texas line, is the first object the prevailing southeast winds of Texas, laden with gulf moisture, meet with, that causes this immense precipitation of summer rain; and,

Whereas, As a natural result of the snows and rains innumerable perennial springs and mountain streams cleave the sides of the Sacramento ranges for hundreds of miles, finding their way in part to the Pecos river, and more largely into the table lands referred to, forming thereby a vast reservoir for all Northwest, West and Southwest Texas; and,

Whereas, All the larger streams within that area have their origin at or near the base of the staked plains or table lands of Texas; that is, near the great bluffs that for three hundred miles mark the line of demarcation between the table lands and semi-mountainous region of Northwest and Southwest Texas; and

Whereas, The normal rainfall of all the region included in the staked plains and semi-mountainous region south of them is wholly insufficient to support any one of the principal streams of Southwest Texas; and,

Whereas, These plains are found to be underlaid with the same semi-freestone water that is found in the streams that flow from the Sacramento range, and yet no living stream empties into them over their surface; and,

Whereas, Their physical meteorological conditions make it of the utmost importance to every interest of the entire State, and especially of vital importance to the entire region embraced within the limit aforesaid, to preserve the natural or physical features that, according to well established natural laws, serve to perpetuate the original sources of the water supply of the region referred to; and,

Whereas, It is currently known that a rapid destruction of the vast forests upon the lower portion of the Sacramento ranges is taking place by large lumber companies, causing the denudation of thousands of acres of their deeply covered moisture-laden soil, the inevitable result of which denudation will be to cause the springs and streams to dry up, and the streams of Texas to rapidly drain the reservoir in the table lands, and in turn cease to flow except in case of local rains; and,

Whereas, There are now persistent and systematic efforts being made

by parties interested in the lumber business to get the government of the United States to remove the Mescalero Apache Indians from their immense reservation situated in the central part of the Sacramento ranges, in its highest altitudes and finest timbered and watered regions, so as to throw open these vast forests, ostensibly to the settler, but in reality to the woodman's axe, as soon as the present forest supply is exhausted where they are now operating, estimated to be about twelve years; therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring: That in view of the premises aforesaid, the President and Congress of the United States be and they are hereby most earnestly requested to take such prompt and efficient action as will prevent further destruction of these vast primeval forests, and insure their perpetual preservation, and the consequent preservation of the meteorological and physical conditions of the large and important area of Texas referred to, together with the great material interests of Texas, inseparably bound up in these conditions, and do earnestly recommend that the government segregate all public lands owned by it, including the Indian reservation referred to, for the purpose of a grand national park, a park that it is conceded would be surpassed by none in the United States, and only equaled by the Yellowstone for scenic grandeur and picturesque beauty.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given, and passed the House of Representatives, no vote given.]

Approved September 6, 1901.

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### ALAMO MONUMENT—RESOLUTION OF APPROVAL.

#### S. C. R. No. 3.] SENATE CONCURRENT RESOLUTION.

Whereas, There is an earnest movement among the citizens of the State of Texas to form an association to build upon the site of the historic Alamo a fitting monument to the martyrs of 1836; to establish a fund in perpetuity for the preservation of the premises and the maintenance of a park surrounding the battle ground; to form a board of trustees and officers composed of the Governor and representative citizens from the various portions of the State who shall have control of the affairs of said association; and

Whereas, Said Alamo, monument and park will forever be a sacred memorial to the noble heroes who died that Texas might be free; a profound lesson in patriotism to the remotest generations of Texas youth; a fitting tribute to a heroism that has had but one parallel in all history; therefore

Be it resolved by the Senate, the House of Representatives concurring: That the Legislature of the State of Texas hereby expresses its hearty approval of the permanent establishment of a monument and park upon the Alamo battle ground and its cordial endorsement of the movement among the public spirited and patriotic citizens who are working to that end.

G. L.—4.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given, and was reported to the House of Representatives where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved September 6, 1901.

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### INDIAN CLAIMS—RESOLUTION ASKING EXTENSION OF TIME TO PROVE.

#### H. C. R. No. 4.] HOUSE CONCURRENT RESOLUTION.

Whereas, The citizens of Texas, from the years 1858 to 1876, suffered great losses at the hands of the Indians, against whom they were not afforded protection by the presence of the Federal troops; and

Whereas, These losses fell upon that portion of our citizens who were on the frontier, and were extending the civilization and settlement of the State; and

Whereas, These losses reduced very many such citizens from affluence to poverty; and

Whereas, The present law which gave jurisdiction of claims on account of such depredations to the court of claims, known as the Act of March 3rd, 1891, expressly forbids the said court of claims to take jurisdiction of claims for losses accruing during the period when the tribes to which Indians belong were not in amity with the United States; and

Whereas, Under said prohibition the court of claims had found that Comanche Indians, which tribe committed most of the depredations in Texas, were hostile in this State in 1860, and again in 1864, and 1865, and again in 1868 and 1869, and again in 1874 and 1875; and

Whereas, While there may have been during these said periods a lack of peaceable relations between the said Indians and the citizens of Texas, there was nevertheless, no status which could be properly defined to be warfare between the said Indians and the United States; and

Whereas, The same law also forbids the court of claims to assume jurisdiction of claims on behalf of those who were not citizens of the United States at the date of the depredations, and

Whereas, Many citizens of this State who had been citizens of the Republic of Texas, had never been naturalized but believed themselves by virtue of the annexation of Texas to be citizens thereof, and also citizens of the United States; and

Whereas, There were many citizens of this State who had meritorious claims and who failed to file said claims on March 3rd, 1894, such failure, in most cases, being attributable to the fact that such citizens were not apprised of the limited time given under the law in which such claims could be filed; and

Whereas, Many of these were among the foremost and best citizens of the State, and contributed very considerably to the extension of the frontier in the settlement of the State, and should also be entitled equally with those who were bona fide citizens, and with those who were so fortunate as to file their claims before March 3rd, 1894, to the protection of the United States, and to recompense for the losses incurred by them: therefore be it



Resolved by the House of Representatives, the Senate concurring, That the Congress of the United States be, and the same is earnestly petitioned by the Legislature of the State of Texas, to so amend the present law, known as the Act of March 3rd, 1891, as to include within the jurisdiction of the court all claims whether committed during a period of amity or a period of hostility, and also all claims on behalf of those who were permanent bona fide residents of the United States; also be it further

Resolved That the Congress of the United States is requested to further amend the Act of March 3rd, 1891, by extending the time in which claims may be filed one year from the date of such emendation; and providing also that any affidavits or depositions of claimants or witnesses heretofore or hereafter taken shall be admitted as evidence before the court of claims.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

Approved September 6, 1901.

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## CERTIFICATE.

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THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, John G. Tod, Secretary of State of the State of Texas, do hereby certify that the foregoing laws and resolutions, passed at the first called session of the Twenty-seventh Legislature, have been carefully examined and compared by me with the original enrolled bills now on file in this department, and are true copies of said original enrolled bills.

I do hereby further certify that the first called session of the Twenty-seventh Legislature convened in the city of Austin on the sixth day of August, A. D. 1901, and adjourned on the fourth day of September, A. D. 1901.

In testimony whereof, I have hereunto subscribed my name,  
[SEAL.] and have hereto affixed the seal of the State of Texas, in the city of Austin, this 12th day of October, A. D. 1901.

JOHN G. TOD,  
Secretary of State.

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## PROCLAMATION.

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I, Joseph D. Sayers, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution thereof, do hereby call a special session of the Twenty-seventh Legislature to convene in the city of Austin, beginning at ten o'clock a. m., Thursday, September 5, 1901, for the following purpose, towit:

To make appropriations for the support of the State government and for the public service for the fiscal years beginning September 1, 1901, and ending August 31, 1903.

In witness whereof, I have hereunto set my hand and caused  
[SEAL.] the seal of the State to be affixed at Austin, this 4th day of  
September, A. D. 1901.

By the Governor:

GEO. T. KEEBLE, Chief Clerk,  
Acting Secretary of State.

JOSEPH D. SAYERS,  
Governor.

---

### DEPARTMENT OF STATE, STATE OF TEXAS.

I, George T. Keeble, Chief Clerk, Acting Secretary of State of the State of Texas, do hereby certify that the foregoing is a true and correct copy of the proclamation by the Governor of the State of Texas, convening the Twenty-seventh Legislature in special session, to begin at ten o'clock a. m., Thursday, September 5, 1901, as is shown by the original now on file in this department.

In testimony whereof, I have hereunto set my hand and  
[SEAL.] affixed the seal of the State, this 4th day of September,  
A. D. 1901.

GEO. T. KEEBLE,  
Chief Clerk, Acting Secretary of State.

## MESSAGE FROM THE GOVERNOR.

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EXECUTIVE OFFICE,  
STATE OF TEXAS.

*To the Legislature:*

I hereby present to the Legislature for its consideration, the desirability of providing for the appointment of a committee to investigate into the administration of each and every department of the government and of the public service in all its branches and of every institution that is in whole or in part supported and maintained from the general revenue, said committee to be clothed with the authority necessary to render it effective.

JOSEPH D. SAYERS,  
Governor.

# GENERAL LAWS OF TEXAS

SECOND CALLED SESSION

TWENTY-SEVENTH LEGISLATURE, 1901.

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## PER DIEM OF MEMBERS—TWENTY-SEVENTH LEGISLATURE.

S. B. No. 3.]

### CHAPTER I.

An Act making an appropriation to pay per diem pay of members and per diem pay of officers and employes of the Second Called Session of the Twenty-seventh Legislature of the State of Texas, convened September 5, 1901, by proclamation of the Governor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the sum of thirty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the payment of per diem pay of members and per diem pay of officers and employes of the Second Called Session of the Twenty-seventh Legislature.

SEC. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

SEC. 3. And, whereas, the Second Called Session of the Twenty-seventh Legislature is now in session, and public policy requires their payment; therefore, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act shall take effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 22, nays 0, and passed the House of Representatives by two-thirds vote, yeas 99, nays 0.]

Approved September 11, 1901.

Became a law September 11, 1901.

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CONTINGENT EXPENSES—TWENTY-SEVENTH  
LEGISLATURE.

S. B. No. 2.]

## CHAPTER II.

An Act making an appropriation to defray the contingent expenses of the Second Called Session of the Twenty-seventh Legislature, of the State of Texas, convened September 5, 1901, by proclamation of the Governor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the contingent expenses of the Second Called Session of the Twenty-seventh Legislature, convened September 5, 1901, by proclamation of the Governor, and that the approval by the chairman of the Committee on Contingent Expenses of either house, countersigned by the President of the Senate, or Speaker of the House, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer for the payment of any account so drawn against said fund.

SEC. 2. That the public importance of the object herein contemplated creates an imperative public necessity and emergency fully authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 21, nays 0, and passed the House of Representatives by two-thirds vote, yeas 98, nays 0.]

Approved September 11, 1901.

Became a law September 11, 1901.

DEFICIENCY APPROPRIATION FOR MILEAGE AND PER  
DIEM—TWENTY-SEVENTH LEGISLATURE.

S. B. No. 4.]

## CHAPTER III.

An Act to make a deficiency appropriation of \$5000 to pay members mileage and per diem and per diem of officers and employes of the First Called Session of the Twenty-seventh Legislature.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the sum of five thousand dollars, (\$5,000.00), or so much thereof as may be necessary, is hereby appropriated out of the money in the treasury, not otherwise appropriated, for the payment of a deficiency of mileage and per diem pay of members and per diem pay of officers and employes of the First Called Session of the Twenty-seventh Legislature.

SEC. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by

e Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claim and issue his warrant upon the Treasurer for the respective amounts.

SEC. 3. Whereas, the First Called Session of the Twenty-seventh Legislature has expired, and there is a deficiency, and, whereas, the members, officers and employes of the First Called Session of the Twenty-seventh Legislature cannot be paid by the Treasurer without a special appropriation, and, whereas, public policy requires that such members, officers and employes shall be paid; therefore, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act shall have effect from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 21, nays 1, and passed the House of Representatives by two-thirds vote, yeas 92, nays 0.]

Approved September 20, 1901.

Became a law September 20, 1901.

## APPROPRIATION FOR SUPPORT OF STATE GOVERNMENT FOR TWO YEARS ENDING AUGUST 31, 1903.

C. S. for S. H. B. No. 1.]

### CHAPTER IV.

Act making appropriations for the support of the State government for the two years beginning September 1, 1901, and ending August 31, 1903, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the State government, from September 1, 1901, to August 31, 1903, and for other purposes.

#### EXECUTIVE OFFICE.

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of Governor.....	\$ 4,000 00	\$ 4,000 00
Salary of private secretary.....	2,000 00	2,000 00
Salary of stenographic clerk.....	1,200 00	1,200 00
Salary of porter.....	420 00	420 00
Salary of State Revenue Agent.....	2,000 00	2,000 00
Traveling and other expenses of Revenue Agent.....	500 00	500 00
Stationery and stamps for Revenue Agent.....	100 00	100 00
Payment of rewards and other expenses necessary for the enforcement of the law.....	7,500 00	7,500 00
Printing and stationery.....	300 00	300 00
Postage, freight, postage and telegraphing.....	600 00	600 00
.....	36 00	36 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Office furniture .....	\$ 100 00	\$ 100 00
Contingent expenses .....	100 00	100 00
Salaries of Board of Pardon Advisors.....	2,400 00	2,400 00

**MANSION AND GROUNDS.**

For Governor's Mansion and furniture, repairs to mansion and improvements to grounds surrounding mansion, to be expended in two years .....	4,000 00	
Labor in keeping up mansion and grounds surrounding mansion .....	800 00	800 00
Water and ice.....	200 00	200 00
Fuel and lights.....	450 00	450 00
Contingent expenses .....	200 00	200 00

**STATE DEPARTMENT.**

Salary of Secretary of State.....	2,000 00	2,000 00
Salary of chief clerk.....	1,700 00	1,700 00
Salaries of three assistant clerks at \$1,140 each .....	3,420 00	3,420 00
Salaries of two assistant clerks at \$1,050 each.....	2,100 00	2,100 00
Salary of extra clerk to copy laws.....	125 00	
Salary of porter.....	360 00	360 00
Freight, postage and express.....	2,500 00	2,000 00
Books and stationery .....	600 00	600 00
For furniture and files .....	200 00	200 00
Contingent expenses .....	100 00	100 00
Provided, that the head of said department keep a record of the absences of the various employes, and the reason therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.		

**TREASURY DEPARTMENT.**

Salary of Treasurer.....	2,500 00	2,500 00
Salary of chief clerk.....	2,000 00	2,000 00
Salary of chief bookkeeper .....	1,500 00	1,500 00
Salary of assistant bookkeeper.....	1,200 00	1,200 00
Salary of receiving clerk.....	1,450 00	1,450 00
Salary of messenger and letter file clerk....	720 00	720 00
Salaries of two additional clerks, at \$1,200 each .....	2,400 00	2,400 00
Contingent expenses .....	150 00	150 00

**School Land Department.**

Salary of chief bookkeeper.....	1,400 00	1,400 00
Salary of corresponding clerk.....	1,300 00	1,300 00
Salary of examining clerk.....	1,300 00	1,300 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of bond and assistant corresponding clerk .....	\$ 1,200 00	\$ 1,200 00
Salary of first assistant bookkeeper.....	1,200 00	1,200 00
Salary of second assistant bookkeeper.....	1,200 00	1,200 00
Salary of third assistant bookkeeper.....	1,200 00	1,200 00
Salary of abstract and index clerk.....	1,200 00	1,200 00
Salary of letter file clerk for the month of September, 1901 .....	100 00	
Salary of bookkeeper and corresponding clerk, lease department .....	1,300 00	1,300 00
Salary of bookkeeper University and Asylum lands and register clerk.....	1,300 00	1,300 00
Salary of night watchman.....	800 00	800 00
Salary of porter .....	360 00	360 00
Books, stationery and postage.....	2,000 00	2,000 00
Keeping in repair time locks, combinations, vaults and office furniture and files .....	300 00	300 00
To pay express charges, and to pay the charges on postoffice and express money orders upon money due the State as interest or principal due on bonds held by the State, where the bonds and interest are payable at any other point than at Austin, Texas, and to pay express charges to place money in the city of New York for the payment of interest on State bonds payable in said city.....	2,500 00	2,500 00
To refund to purchasers or lessees of public domain, public school, University or Asylum lands, or to their vendees or assignees, the money paid by them into the State treasury, or to the Attorney General, in accordance with the laws of this State where it is shown by certificate of the Commissioner of the General Land Office that title cannot issue or possession pass because of conflict, sales out of lands leased, erroneous sales, erroneous leases and other causes, where a patent has been canceled by a decree of court or by the Land Commissioner, to be paid out of the respective funds to which said payments were credited, said claims to be approved by the Attorney General as to whether claims come under the provisions of this act, and as to correctness of claims and to whom due; provided, that the money paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of the land by the purchaser or assignment of the lease by the lessee after payment of such money, so that the money be paid to		

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
the person upon whom the loss falls in case of failure of title or right of possession...	\$ 25,000 00	\$ 25,000 00
Provided, that the head of said department keep a record of the absences of the various employes, and the reason therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.		

## COMPTROLLER'S DEPARTMENT.

Salary of Comptroller.....	2,500 00	2,500 00
Salary of chief clerk.....	1,700 00	1,700 00
Salary of chief bookkeeper.....	1,550 00	1,550 00
Salary of assistant bookkeeper.....	1,300 00	1,300 00
Salaries of two corresponding clerks at \$1,140 each .....	2,280 00	2,280 00
Salaries of two sheriffs' clerks, witnesses and attorney's accountants at \$1,300 each....	2,600 00	2,600 00
Salary of receiving clerk, who shall perform the duties of first assistant clerk to Comptroller .....	1,140 00	1,140 00
Salary of clerk for registering county and city bonds .....	1,140 00	1,140 00
Salary of general warrant clerk .....	1,300 00	1,300 00
Salary of school and special warrant clerk...	1,100 00	1,100 00
Salary of bookkeeper in warrant department.	1,250 00	1,250 00
Salary of chief tax clerk.....	1,350 00	1,350 00
Salary of assistant tax clerk .....	1,100 00	1,100 00
Salary of redemption clerk.....	1,300 00	1,300 00
Salary of assistant redemption clerk .....	1,100 00	1,100 00
Salary of examining clerk.....	1,350 00	1,350 00
Salary of assistant examining clerk.....	1,100 00	1,100 00
Salary of auditing clerk.....	1,275 00	1,275 00
Salary of assistant auditing clerk.....	1,100 00	1,100 00
Salary of chief pension clerk.....	1,350 00	1,350 00
Salary of assistant pension clerk.....	1,200 00	1,200 00
Salary of pension clerk for the month of September, 1901 .....	100 00	
Salary of deposit, warrant and general clerk.	1,140 00	1,140 00
Salary of mailing and file clerk.....	1,000 00	1,000 00
Salary of assistant mailing and file clerk....	1,000 00	1,000 00
Salaries of fifteen assistant clerks at \$1,000 each .....	15,000 00	15,000 00
Salary of first assistant special tax clerk....	1,100 00	1,100 00
Salary of first assistant unorganized county desk .....	1,100 00	1,100 00
Salary of general warrant and register clerk.	1,100 00	1,100 00
Salary of stenographer, who shall perform such other duties as may be required by the Comptroller .....	950 00	950 00



	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of messenger.....\$	400 00	\$ 400 00
Salaries of two porters, at \$360 each.....	720 00	720 00
Postage, telegraphing, express and office furniture .....	3,000 00.	3,000 00
Books and stationery.....	1,000 00	1,000 00
Contingent expenses .....	100 00	100 00
Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record for such absences be incorporated in the report made annually by the head of said department.		

## GENERAL LAND OFFICE.

Salary of Land Commissioner.....	2,500 00	2,500 00
Salary of chief clerk.....	1,700 00	1,700 00
Salary of receiving clerk and bookkeeper....	1,350 00	1,350 00
Salary of legal examiner.....	1,500 00	1,500 00
Salary of head clerk, transcript department..	1,200 00	1,200 00
Salaries of two assistant clerks, transcript department, at \$1,200 each.....	2,400 00	2,400 00
Salaries of three patent clerks, at \$1,200 each	3,600 00	3,600 00
Salaries of two examining clerks, at \$1,200 each, and one file clerk at \$1,100.....	3,500 00	3,500 00
Salary of clerk in charge of file room.....	1,100 00	1,100 00
Salary of letter index clerk.....	1,100 00	1,100 00
Salary of abstract clerk.....	1,200 00	1,200 00
Salaries of four corresponding clerks at \$1,200 each .....	4,800 00	4,800 00
Salaries of two letter register clerks at \$1,100 each .....	2,200 00	2,200 00
Salary of clerk to superintend examination of files and records.....	1,140 00	1,140 00
Salary of one general clerk, who shall be versed in the Spanish and English languages, and, as requested by the Commissioner, shall translate the Spanish records into the English language, and transcribe same if so desired.....	1,140 00	1,140 00

*Drafting Department.*

Salary of chief draftsman.....	1,600 00	1,600 00
Salaries of five assistant draftsmen, at \$1,400 each .....	7,000 00	7,000 00
Salaries of three assistant draftsmen, at \$1,200 each .....	3,600 00	3,600 00
Salaries of four assistant draftsmen, at \$1,100 each .....	4,400 00	4,400 00

*School Land Department.*

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of chief clerk.....\$	1,500 00	\$ 1,500 00
Salary of head sales clerk.....	1,350 00	1,350 00
Salaries of two assistant sales clerks, at \$1,150 each .....	2,300 00	2,300 00
Salaries of two assistant sales clerks, at \$1,120 each .....	2,240 00	2,240 00
Salary of award and compiling clerk.....	1,200 00	1,200 00
Salary of assistant award and compiling clerk.....	1,080 00	1,080 00
Salaries of three bookkeepers, at \$1,200 each .....	3,600 00	3,600 00
Salaries of four corresponding clerks, at \$1,200 each .....	4,800 00	4,800 00
Salary of draftsman.....	1,200 00	1,200 00
Salary of assistant draftsman.....	1,100 00	1,100 00
Salary of head lease clerk.....	1,200 00	1,200 00
Salary of assistant lease clerk.....	1,100 00	1,100 00
Salaries of two new record clerks, at \$1,080 each .....	2,160 00	2,160 00
Salaries of two field agents, at \$1,300 each..	2,600 00	2,600 00
Expense of keeping two field agents in the field .....	2,000 00	2,000 00
Salary of night watchman.....	600 00	600 00
Salary of porter and janitor.....	600 00	600 00
Stationery, books, records and furniture....	1,300 00	1,300 00
Contingent expenses .....	200 00	200 00
Wood, water and ice .....	300 00	300 00
Postal cards and stamps.....	1,800 00	1,800 00
Telegraphing, towels and laundry.....	50 00	50 00
Repairing and binding records and books....	100 00	100 00
Repairs to fixtures and furniture.....	100 00	100 00
Repairing building and matting for same....	100 00	100 00
Vellum, blue print and instruments for drafting department.....	100 00	100 00
Two typewriting machines.....	200 00	
Ribbons and carbons and repairs to machines.	50 00	50 00
For the purchase of seven metallic record cases .....	1,500 00	
For the payment of county clerks for recording lists sent from the General Land Office in accordance with the Act of April 19, 1901, said clerks to receive eight cents per hundred words, accounts for same to be approved by the Commissioner of the General Land Office.....	2,000 00	2,000 00
For the purpose of surveying, making field notes and sectionizing the unsurveyed school lands in the counties of Andrews, Midland, Martin, Dawson, Crane, Ector, Gaines, Loving, Reeves, Ward, Winkler, Cochran, Hartley, Hockley, Lynn and Terry, as provided in Section 3, Chapter 11,		

Years Ending  
Aug. 31, 1902. Aug. 31, 1903.

the Acts of the First Called Session of the Twenty-sixth Legislature.....\$ 3,000 00  
 Provided, it shall be the duty of the Commissioner to change any employe of the General Land Office to any desk or place when necessary to keep all employed; and  
 Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

## ATTORNEY GENERAL'S OFFICE.

Salary of Attorney General.....	2,000 00	\$ 2,000 00
And the further sum each year, or so much thereof as may be necessary, to pay such fees as may be prescribed by law.....	2,000 00	2,000 00
Salary of first office assistant.....	2,500 00	2,500 00
Salary of second office assistant.....	2,000 00	2,000 00
Salary of third office assistant.....	2,000 00	2,000 00
Salary of stenographic clerk.....	1,000 00	1,000 00
Salary of filing and recording clerk.....	1,000 00	1,000 00
Stationery, postage, telegraphing, telephoning and express .....	600 00	600 00
Law books and periodicals.....	500 00	500 00
Cost of depositions and procuring evidence..	400 00	400 00
Salary of porter and messenger.....	360 00	360 00
Actual traveling expenses incurred by the Attorney General, or any of his assistants, in giving attention to the State's business pending elsewhere than in the courts held in the city of Austin, vouchers to be made upon official certificates.....	600 00	600 00
For contingent expenses.....	100 00	100 00
For certified copies of pleadings and other documents necessary to the preparation of causes, and not coming strictly under the head of depositions in procuring evidence..	150 00	150 00
To pay costs in civil cases in which suit is brought for the State by the Attorney General, or under his direction, where such costs are adjudged against the State, or where such costs are incurred by the State, and demanded at the end of the term, as provided by Article 1422, Revised Statutes of 1895, in which case only such costs as are incurred by the State in such civil cases, shall be paid out of this fund, such accounts to be approved by the Attorney General...	4,000 00	2,500 00

Years Ending  
Aug. 31, 1902.      Aug. 31, 1903.

Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

#### DEPARTMENT OF EDUCATION.

Salary of State Superintendent of Public Instruction .....	\$ 2,500 00	\$ 2,500 00
Salary of chief clerk.....	1,625 00	1,625 00
Salary of law and certificate clerk.....	1,350 00	1,350 00
Salary of statistics clerk.....	1,220 00	1,220 00
Salary of auditing and apportionment clerk.....	1,220 00	1,220 00
Salary of stenographic and filing clerk.....	1,075 00	1,075 00
Salary of mailing and blank room clerk.....	950 00	950 00
Salary of porter.....	360 00	360 00
Salaries of two clerks for two months each (July and August), \$100 per month for one clerk, and \$90 per month for the other.	380 00	380 00
Actual traveling expenses of State Superintendent and his representative when on official duty.....	250 00	250 00
Postage, stationery, office furniture, files, binding reports and other books, forms and pamphlets .....	1,500 00	1,500 00
Express, freight, telegraphing, telephoning and incidental expenses.....	700 00	700 00
Printing and distributing county superintendents' record books, county and city treasurers' report books, teachers' daily registers, school laws, courses of study, examination questions, teachers', superintendents', and treasurers' blank reports, census blanks, circulars to school officers and teachers, and other blank forms and circulars necessary for the use of teachers and other school officers, and for the advancement of the cause of education.....	3,000 00	3,000 00
For support of public free schools for two years, all the available free school fund arising from interest or lease of school lands, interest on bonds, school taxes and all other sources of revenue to said fund.		
Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such		

Years Ending  
Aug. 31, 1902. Aug. 31, 1903.

absences be incorporated in the report made annually by the head of said department.

## RAILROAD COMMISSION.

Salaries of three Commissioners.....	\$ 12,000 00	\$ 12,000 00
Salary of secretary.....	1,700 00	1,700 00
Salary of one rate clerk..	1,500 00	1,500 00
Salary of one general clerk.....	1,200 00	1,200 00
Salary of porter.....	360 00	360 00
Salary of expert accountant.....	2,700 00	2,700 00
Salary of expert rate clerk.....	2,700 00	2,700 00
Salary of assistant expert rate clerk.....	2,500 00	2,500 00
Salary of chief engineer.....	1,920 00	1,920 00
For printing blanks, maps, pamphlets, rulings and for other necessary expenses.....	2,100 00	2,100 00
Contingent expenses .....	80 00	80 00
Sheriffs' and witness fees, and mileage.....	500 00	500 00
Transportation of Commissioners and clerks.	150 00	150 00
Postage, stationery, books, telegraphing and express charges .....	750 00	750 00
Furniture, fixtures and files.....	100 00	100 00
Provided, that said Commission keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be in- corporated in the report made annually by the Commission.		

DEPARTMENT OF AGRICULTURE, INSURANCE,  
STATISTICS AND HISTORY.

Salary of Commissioner.....	2,000 00	2,000 00
Salary of chief clerk.....	1,700 00	1,700 00
Salary of bookkeeper, statistical clerk and stenographer .....	1,140 00	1,140 00
Salary of agricultural clerk.....	1,100 00	1,100 00
Salary of historical clerk.....	1,200 00	1,200 00
Salary of insurance clerk.....	1,100 00	1,100 00
Expenses of Commissioner in enforcing insur- ance laws.....	1,000 00	1,000 00
Postage, stationery, express and telegraphing.	500 00	500 00
Rent of telephone.....	48 00	48 00
Books for State library.....	500 00	500 00
Collecting historical data.....	250 00	250 00
Bookcases and shelving.....	100 00	100 00
Subscriptions to newspapers, magazines, and binding same .....	150 00	150 00
Contingent expenses .....	100 00	100 00
Salary of porter.....	360 00	360 00
All bills to be approved by the Commissioner.		

Years Ending  
Aug. 31, 1902. Aug. 31, 1903.

Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that the record for such absences be incorporated in the report made annually by the head of said department.

#### UNIVERSITY OF TEXAS.

For the maintenance, support and direction of the University of Texas, including repairs, extensions, improvements and buildings for the next two years, beginning September 1, 1901, and ending August 31, 1903, all the available University funds, including interest from its bonds and land notes, and income from its land leases, and all fees collected from students, and all other receipts and revenues of the University.

Provided, that if a dormitory for girls is erected, it shall be known as the "Oran M. Roberts Memorial Hall."

For the maintenance, support and direction of the University for the two years beginning September 1, 1901, and ending August 31, 1903, from the general revenue, provided such appropriation shall not lapse August 31, 1902.....

\$125,000 00 \$ 50,000 00

#### *Medical Branch at Galveston.*

For maintenance, support and direction for the two years beginning September 1, 1901, and ending August 31, 1903, all fees collected from students and all other receipts and revenues, and in addition thereto from the general revenue.....

40,000 00 40,000 00

#### SUPREME COURT.

Salaries of three judges.....

12,000 00 12,000 00

Salary of clerk.....

2,500 00 2,500 00

Salary of stenographer and law clerk; provided, said clerk by accepting this position shall be estopped from presenting any claim against the State for any further sum.....

1,200 00 1,200 00

Salary of assistant librarian and bailiff, who shall be appointed by the Chief Justice of the Supreme Court, and who shall keep on the library from 8:00 a. m. to 12 m., and from 1:00 p. m. to 5 p. m. each day, except Sundays and holidays, and who shall be paid monthly.....

720 00 720 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of porter for judges and consultation room .....	\$ 420 00	\$ 420 00
Salary of porter for court room, library and clerk's room.....	360 00	360 00
Record books and stationery.....	500 00	500 00
Postage and expressage.....	250 00	250 00
Purchase of books for Supreme Court Library and consultation room, and for binding books, to be selected by the Chief Justice..	2,000 00	1,000 00
Contingent expenses.....	200 00	200 00

## COURT OF CRIMINAL APPEALS.

Salaries of three judges.....	12,000 00	12,000 00
Salary of stenographer and bailiff for court..	1,200 00	1,200 00
Postage .....	150 00	150 00
Fuel and lights.....	100 00	100 00
Law books to be selected by the presiding judge .....	250 00	250 00
Record books and stationery.....	400 00	400 00
For purchase of furniture.....	100 00	
Salary, mileage, fees and traveling expenses of Assistant Attorney General.....	3,000 00	3,000 00
Telegraphing and contingent expenses for Assistant Attorney General.....	50 00	50 00
Salary of porter.....	480 00	480 00
Contingent expenses.....	300 00	300 00
Clerk's fees in felony cases, or so much thereof as may be necessary.....	4,000 00	4,000 00

## COURT OF CIVIL APPEALS—FIRST DISTRICT.

Salaries of three judges, \$3,500 each.....	10,500 00	10,500 00
Salary of stenographer.....	600 00	600 00
Salary of bailiff.....	100 00	100 00
Salary of porter.....	300 00	300 00
Books for law library.....	500 00	250 00
Postage and box rent.....	100 00	100 00
Record books and stationery.....	200 00	200 00
Contingent expenses .....	100 00	100 00
Fuel, light and ice.....	100 00	100 00

## COURT OF CIVIL APPEALS—SECOND DISTRICT.

Salaries of three judges, \$3,500 each.....	10,500 00	10,500 00
Salary of stenographer.....	600 00	600 00
Salary of bailiff.....	100 00	100 00
Salary of porter.....	300 00	300 00
Postage and box rent.....	100 00	100 00
Record books and stationery.....	200 00	200 00
Ice, telegraphing, telephoning, and express..	100 00	100 00
Books for law library.....	250 00	250 00
Contingent expenses .....	100 00	100 00

## COURT OF CIVIL APPEALS—THIRD DISTRICT.

	Aug. 31, 1902.	Years Ending Aug. 31, 1903.
Salaries of three judges, \$3,500 each.....	\$ 10,500 00	\$ 10,500 00
Salary of bailiff.....	100 00	100 00
Salary of porter.....	300 00	300 00
Salary of stenographer.....	600 00	600 00
Record books and stationery.....	200 00	200 00
Postage and box rent.....	100 00	100 00
Ice, telegraphing, telephoning, and express..	100 00	100 00
Contingent expenses .....	100 00	100 00
For a carpet for clerk's office.....	200 00	
For purchase of typewriter.....	118 50	

## COURT OF CIVIL APPEALS—FOURTH DISTRICT.

Salaries of three judges, \$3,500 each.....	10,500 00	10,500 00
Salary of stenographer.....	600 00	600 00
Salary of bailiff.....	100 00	100 00
Salary of porter.....	300 00	300 00
Postage .....	150 00	150 00
Record books and stationery.....	250 00	250 00
Books for library and consultation room.....	250 00	250 00
Telephone, ice, and expressage.....	100 00	100 00
Contingent expenses .....	100 00	100 00

## COURT OF CIVIL APPEALS—FIFTH DISTRICT.

Salaries of three judges, \$3,500 each.....	10,500 00	10,500 00
Salary of stenographer.....	600 00	600 00
Salary of bailiff.....	100 00	100 00
Salary of porter.....	300 00	300 00
Record books and stationery.....	200 00	200 00
Postage .....	100 00	100 00
Books for library and consultation room....	500 00	250 00
Telephone, ice, and express.....	100 00	100 00
Contingent expenses .....	100 00	100 00

## JUDICIARY.

Salaries of fifty-seven district judges.....	142,500 00	142,500 00
Salaries of thirty-eight district attorneys....	19,000 00	19,000 00
Salary of criminal district attorney.....	500 00	500 00
Salaries of two criminal district judges.....	5,000 00	5,000 00
Fees and costs of sheriffs, clerks and attorneys in felony cases .....	245,000 00	245,000 00
Expenses of attached and subpoenaed wit- nesses .....	110,000 00	110,000 00
Fees of county judges, county attorneys, jus- tices of the peace, sheriffs and constables in examining trials .....	15,000 00	15,000 00
Salary of Supreme Court reporter.....	3,000 00	3,000 00
Salary of assistant Supreme Court reporter or reporters .....	3,000 00	3,000 00



	Aug. 31, 1902.	Years Ending Aug. 31, 1903.
Salary of Court of Criminal Appeals reporter.\$	3,000 00	\$ 3,000 00
Salary of special judges.....	2,000 00	2,000 00
To pay costs and officers' fees in cases of escheated estates, including such cases in which such costs and fees as have already accrued and are owing by the State.....	150 00	150 00

## PENSIONS.

Pay of veterans under general law.....	40,000 00	40,000 00
Pay of Confederate pensioners.....	200,000 00	200,000 00

## PUBLIC DEBT.

Payment of interest on public debt.....	224,315 00	224,315 00
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## DEFICIENCIES.

Registered for services of Sanitary Commission rendered prior to February 28, 1901..	318 05
Estimated .....	125 00
Registered for payment of Volunteer Guard when called into active service under the law, transportation of troops, and other military expenses, for the year ending February 28, 1901 (covering expenses of guard at Galveston after the storm).....	5,200 50
Amount of registered deficiency to pay for construction of election booths in the city of Galveston .....	200 00
Amount of recorded and estimated deficiency appropriation to pay expenses of attached and subpoenaed witnesses.....	13,000 00
Amount of registered and estimated deficiency to pay fees of officers holding examining trials .....	1,000 00
Deficiency estimates approved by the Governor for the year ending August 31, 1901:	
Court of Criminal Appeals, approved for books and stationery .....	25 00
Approved for contingent expenses.....	25 00
Deaf, Dumb and Blind Asylum:	
Appropriation groceries, fuel, light, year ending February 28, 1901.....	347 00
Court of Civil Appeals—Third District:	
Deficiency claim of the Southwestern Telegraph and Telephone Co. for rent of 'phone for said court, for month of December, 1899, and January and February, 1900, at \$4 per month.....	12 00
Same for month of January and February, 1901, at same rate .....	8 00
Deficiency for ice bill due Lone Star Ice Com-	

	Years Ending Aug. 31, 1902.	Aug. 31, 1903.
pany, towit: For ice for months, from September, 1899, to February 28, 1900.....\$	7 05	
Same from August, 1900, to February 28; 1901 .....	8 45	
Court of Civil Appeals—Fourth District:		
Record books and stationery.....	192 00	
Postage .....	30 00	
Books for library.....	74 00	
General Land Office:		
Express, stationery and printing.....	830 05	
Expense keeping land agents in field.....	100 00	
To pay Bentley & Bass balance due on contract for clothing for Southwestern Insane Asylum .....	1,022 58	

## STATE ORPHAN ASYLUM.

Salary of Superintendent, who shall be ex-officio accountant and storekeeper, with board for himself and family, not to exceed in value \$500 per year, and fuel, lights, water, and housing.....	1,500 00	\$ 1,500 00
Salary of matron .....	540 00	540 00
Salaries of seven teachers.....	2,520 00	2,520 00
Salary of industrial manager.....	1,250 00	1,250 00
Salary of physician, not to live in home.....	600 00	600 00
Salary of baker .....	300 00	300 00
Salaries of three cooks, \$200 each.....	600 00	600 00
Salary of dining room and dairy woman....	216 00	216 00
Salaries of three laundresses, \$160 each .....	480 00	480 00
Salary of gardener, poultryman and farm laborer .....	420 00	420 00
Salary of night watchman.....	360 00	360 00
Salary of trained nurse in hospital.....	480 00	480 00
Salary of cook and assistant nurse .....	200 00	200 00
Salaries of six ward nurses.....	1,200 00	1,200 00
Salaries of three seamstresses, \$240 each....	720 00	720 00
Salary of engineer and pumper.....	240 00	240 00
Appliances and instructor for mattress and broom factory .....	500 00	500 00
Material and instructor in shoe factory....	500 00	500 00
Fuel .....	500 00	500 00
Postage and stationery .....	100 00	100 00
School books and general supplies, including kindergarten .....	600 00	600 00
Transportation .....	200 00	200 00
Telephone .....	60 00	60 00
Electric lights .....	500 00	500 00
General maintenance necessary to the support of the home: this shall include the purchase of all bedding, clothing, furniture and		

	Aug. 31, 1902.	Years Ending Aug. 31, 1903.
other supplies necessary for the comfort of the inmates of the home.....\$	22,500 00	\$ 22,500 00
Improvements and repairs on five buildings, to be expended in two years.....	5,000 00	

## STATE LUNATIC ASYLUM.

Salary of Superintendent; provided, he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family.....	2,000 00	2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00
Salary of steward, storekeeper and accountant	900 00	900 00
Salary of clerk and office assistant.....	780 00	780 00
Salary of matron.....	600 00	600 00
Salary of supervisor.....	480 00	480 00
Salary of assistant supervisor.....	420 00	420 00
Salary of druggist.....	600 00	600 00
Salary of supervisoreess.....	480 00	480 00
Salary of assistant supervisoreess.....	420 00	420 00
Salary of outside supervisor and head farmer.	550 00	550 00
Salary of chief engineer and plumber.....	1,100 00	1,100 00
Salary of assistant engineer and electrician..	480 00	480 00
Salary of assistant engineer and plumber...	480 00	480 00
Salary of gardener and florist.....	300 00	300 00
Salary of chief cook.....	550 00	550 00
Salary of first assistant cook.....	300 00	300 00
Salaries of seven assistant cooks.....	1,400 00	1,400 00
Salary of baker.....	480 00	480 00
Salary of assistant baker.....	240 00	240 00
Salary of carpenter.....	540 00	540 00
Salary of assistant carpenter.....	400 00	400 00
Salary of blacksmith.....	400 00	400 00
Salary of plasterer and painter.....	540 00	540 00
Salaries of three firemen, \$360 each.....	1,080 00	1,080 00
Salaries of fifteen night attendants, \$300 each	4,500 00	4,500 00
Salary of head laundryman or laundress....	360 00	360 00
Salary of assistant head laundryman or laun- dress .....	300 00	300 00
Salaries of eight laundresses, \$240 each....	1,920 00	1,920 00
Salary of head seamstress.....	300 00	300 00
Salaries of six seamstresses, \$240 each.....	1,440 00	1,440 00
Salaries of seventy-five attendants.....	18,000 00	18,000 00
Salaries of two trained nurses, \$360 each..	720 00	720 00
Salary of scavenger .....	240 00	240 00
Salaries of three farm hands, \$180 each....	540 00	540 00
Salary of dairyman .....	300 00	300 00
Salary of assistant dairyman.....	240 00	240 00
Salary of tailor .....	400 00	400 00
Salary of shoemaker.....	360 00	360 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salaries of three dining room girls.....\$	540 00	\$ 540 00
Support, maintenance, groceries, fuel, light and water, pay of board of managers including mileage, drugs, medical stores and surgical instruments.....	97,000 00	97,000 00
General repairs and painting.....	3,000 00	3,000 00
Dry goods and clothing.....	17,000 00	17,000 00
Furniture and beds.....	4,000 00	1,000 00
Transportation of patients.....	750 00	750 00
Literature and amusements.....	500 00	500 00
Trees, seeds, farm machinery, and tools.....	200 00	200 00
Engineer's and carpenter's tools.....	100 00	100 00
Contingent expenses .....	500 00	500 00
Horses, mules, cows, and hogs.....	500 00	500 00
For the erection of small kitchen for new colored annex .....	2,000 00	
Repairing old north building damaged by storm .....	2,500 00	
Salary of operator of knitting machine.....	420 00	420 00
Salary of assistant operator of knitting machine .....	240 00	240 00
To repair roof of north building for men, damage done by recent storm.....	1,245 00	
To repair steam tunnel, damage done by recent flood .....	1,000 00	

## SOUTHWESTERN INSANE ASYLUM.

Salary of Superintendent, with board for himself and family, not to exceed in value \$500 per year, and fuel, lights, water and housing .....	2,000 00	2,000 00
Salary of first assistant superintendent.....	1,250 00	1,250 00
Salary of second assistant superintendent....	1,250 00	1,250 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of assistant storekeeper.....	480 00	480 00
Salary of druggist.....	550 00	550 00
Salary of matron.....	600 00	600 00
Salary of supervisor .....	480 00	480 00
Salary of supervisoress.....	480 00	480 00
Salary of outside supervisor and head farmer.	550 00	550 00
Salary of chief engineer.....	1,100 00	1,100 00
Salary of assistant engineer and plumber....	480 00	480 00
Salaries of three firemen, \$300 each.....	900 00	900 00
Salary of gardener.....	300 00	300 00
Salary of chaplain.....	150 00	150 00
Salary of chief cook.....	550 00	550 00
Salary of first assistant cook.....	300 00	300 00
Salaries of four assistant cooks.....	800 00	800 00
Salary of baker .....	480 00	480 00
Salary of assistant baker.....	240 00	240 00
Salary of chief carpenter.....	540 00	540 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of assistant carpenter.....	\$ 400 00	\$ 400 00
Salary of plasterer and painter.....	480 00	480 00
Salary of tailor.....	400 00	400 00
Salary of shoemaker.....	300 00	300 00
Trees, seeds, farm machinery and tools.....	600 00	600 00
Engineer's and carpenter's tools.....	200 00	200 00
Bridges, culverts and grounds.....	200 00	200 00
Furniture and beds.....	2,000 00	2,000 00
Salaries of three dining room girls.....	540 00	540 00
Salaries of ten night attendants.....	3,000 00	3,000 00
Salary of head laundress.....	360 00	360 00
Salary of assistant head laundress.....	300 00	300 00
Salaries of six laundresses.....	1,440 00	1,440 00
Salaries of three farm hands.....	540 00	540 00
Salaries of two trained nurses.....	720 00	720 00
Salary of head seamstress.....	300 00	300 00
Salaries of five seamstresses.....	1,200 00	1,200 00
Salaries of fifty attendants.....	12,000 00	12,000 00
Salary of dairyman.....	300 00	300 00
Salary of assistant dairyman.....	240 00	240 00
Support, maintenance, groceries, fuel, lights and water, pay of board of managers, in- cluding mileage, and drugs, medical stores and surgical instruments.....	65,000 00	65,000 00
Dry goods and clothing.....	12,500 00	12,500 00
Transportation of patients.....	750 00	750 00
Literature and amusements.....	500 00	500 00
Contingent expenses .....	400 00	400 00
Fire protection, water plugs, pipes, water mains, etc. ....	4,500 00	
Excavating and flooring basement of north wing for employes' quarters.....	2,500 00	
General repairs and painting.....	2,000 00	2,000 00
Horses, mules, cows and hogs.....	1,000 00	500 00
Wagons, hacks and harness, to be expended in two years .....	400 00	
Slaughter house, pens, etc.....	800 00	
One power dough mixer and motor for bakery.	500 00	
For construction of galleries on old ward and administration building .....	2,500 00	
For enlarging and improving barn and dairy.	1,200 00	

## NORTH TEXAS INSANE ASYLUM.

Salary of Superintendent, with board for himself and family not to exceed in value \$500 per year, and fuel, lights, water and housing .....	2,000 00	2,000 00
Salary of first assistant physician.....	1,250 00	1,250 00
Salary of second assistant physician.....	1,250 00	1,250 00
Salary of third assistant physician.....	1,250 00	1,250 00
Salary of fourth assistant physician.....	1,250 00	1,250 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of clerk and storekeeper.....\$	900 00	\$ 900 00
Salary of assistant storekeeper and accountant	480 00	480 00
Salary of druggist.....	600 00	600 00
Salary of matron.....	600 00	600 00
Salary of supervisor.....	480 00	480 00
Salary of assistant supervisor.....	420 00	420 00
Salary of outside supervisor and head farmer.	480 00	480 00
Salary of supervisoreess.....	480 00	480 00
Salary of assistant supervisoreess.....	420 00	420 00
Salary of chief engineer.....	1,100 00	1,100 00
Salary of assistant engineer and electrician..	480 00	480 00
Salary of plumber.....	600 00	600 00
Salaries of four firemen.....	1,200 00	1,200 00
Salary of gardener.....	320 00	320 00
Salary of chaplain.....	150 00	150 00
Salary of chief cook.....	550 00	550 00
Salary of first assistant cook.....	300 00	300 00
Salaries of seven under cooks.....	1,400 00	1,400 00
Salary of baker.....	480 00	480 00
Salary of assistant baker.....	240 00	240 00
Salary of carpenter.....	540 00	540 00
Salary of first assistant carpenter.....	400 00	400 00
Salary of blacksmith.....	400 00	400 00
Salary of plasterer.....	480 00	480 00
Salary of painter.....	480 00	480 00
Salary of tailor.....	400 00	400 00
Salary of shoemaker.....	300 00	300 00
Salaries of five dining room girls.....	900 00	900 00
Salaries of six farm hands.....	1,080 00	1,080 00
Salaries of fifteen night attendants, \$300 each	4,500 00	4,500 00
Salary of head laundryman or laundress....	360 00	360 00
Salary of assistant head laundryman or laundress .....	300 00	300 00
Salaries of three trained nurses, \$360 each..	1,080 00	1,080 00
Salaries of ten laundresses, \$240 each.....	2,400 00	2,400 00
Salary of head seamstress.....	300 00	300 00
Salaries of eight seamstresses, \$240 each....	1,920 00	1,920 00
Salary of mattress maker.....	240 00	240 00
Salaries of eighty attendants.....	19,200 00	19,200 00
Salary of dairyman.....	300 00	300 00
Salary of assistant dairyman.....	240 00	240 00
Support and maintenance, groceries, fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical and surgical supplies .....	118,000 00	118,000 00
Transportation .....	1,000 00	1,000 00
Contingent expenses .....	600 00	
Dry goods and clothing.....	18,000 00	18,000 00
Furniture and bedsteads.....	2,500 00	2,500 00
General repairs and painting.....	3,000 00	3,000 00
Literature and amusement.....	500 00	500 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Trees, seeds and stock.....\$	150 00	\$ 150 00
Horses, mules, cows, and hogs.....	1,000 00	500 00
Engineer's tools .....	250 00	250 00
Wagons, hacks and harness.....	200 00	200 00
Mowers, plows and farm implements.....	300 00	300 00
Pipes and piping.....	500 00	500 00
Bridges, culverts and grounds.....	300 00	300 00
Salary of one outside watchman.....	420 00	420 00
Sanitary sewerage for buildings.....	9,000 00	
Carpenter shop, tools and machinery.....	1,500 00	
Repairing farm fence .....	500 00	
Moving and rebuilding barn.....	1,000 00	
Tram food road.....	250 00	
Wagonette .....	400 00	
Arranging room for dead house or morgue...	500 00	

Provided, that the interest on all securities held by the Lunatic Asylum fund is hereby appropriated in part payment of the appropriation of the three lunatic asylums, the remainder of the appropriation to be paid out of the general revenue. All moneys now in, or which may hereafter be paid into the State treasury for the board and treatment of non-indigent patients and from sales of personal property of the three lunatic asylums, shall be paid over to the State Treasurer monthly and credited by him to the general revenue.

#### BLIND ASYLUM.

Salary of Superintendent, with board for himself and family not to exceed in value \$500 per year, and fuel, lights, water and housing .....	2,000 00	2,000 00
Salary of oculist.....	900 00	900 00
Salary of storekeeper and accountant, with day board.....	900 00	900 00
Salary of matron.....	600 00	600 00
Salary of second matron.....	440 00	440 00
Salary of principal.....	1,500 00	1,500 00
Salary of teacher junior grade for boys, \$85 per month for 9 months.....	765 00	765 00
Salary of teacher junior grade for girls, \$100 per month for 9 months.....	900 00	900 00
Salary of teacher intermediate grades for boys, \$75 per month for 9 months.....	675 00	675 00
Salary of teacher intermediate grades for girls, \$75 per month for 9 months.....	675 00	675 00
Salary of teacher primary grades for boys, \$75 per month for 9 months.....	675 00	675 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of teacher primary grades for girls, \$75 per month for 9 months.....\$	675 00	\$ 675 00
Salary of teacher of sub-primary grades for girls .....	655 00	655 00
Salary of teacher, kindergarten, \$90 per month for 9 months.....	810 00	810 00
Salary of teacher, pipe organ, piano and har- mony, \$85 per month for 9 months.....	765 00	765 00
Salary of teacher piano, mandolin and guitar, \$85 per month for 9 months.....	765 00	765 00
Salary of teacher of vocal music, \$75 per month for 9 months.....	675 00	675 00
Salary of teacher of orchestral instruments, and piano tuning, \$95 per month for 9 months .....	855 00	855 00
Salary of teacher violin and piano, \$55 per month for 9 months.....	495 00	495 00
Salary of assistant teacher orchestral instru- ments, piano and cornet, \$60 per month for 9 months.....	540 00	540 00
All the above fourteen teachers without board, except five, who do dormitory duties and other resident work. .		
Salary of music reader, without board.....	675 00	675 00
Salary of teacher girls' industrial department, without board.....	450 00	450 00
Salary of assistant teacher girls' industrial department .....	360 00	360 00
Salary of principal teacher boys' industrial department, without board.....	600 00	600 00
Salary of assistant teacher boys' industrial department .....	360 00	360 00
Salary of nurse for sick girls.....	360 00	360 00
Salary of nurse for sick boys.....	360 00	360 00
Salary of monitress and seamstress for small girls .....	240 00	240 00
Salary of monitress and seamstress for small boys .....	240 00	240 00
Salary of night watchman, without board, 12 months .....	660 00	660 00
Salary of engineer, electrician and plumber, with day board for self.....	900 00	900 00
Salary of carpenter and painter.....	480 00	480 00
Salary of fireman.....	300 00	300 00
Salary of hostler and yard man, west side....	300 00	300 00
Salary of chief yard man, dining-room waiter and helper, east side.....	300 00	300 00
Salaries of one baker and five cooks.....	1,620 00	1,620 00
Salaries of head laundress and four assistants	945 00	945 00
Salary of housekeeper for large boys.....	225 00	225 00
Salaries of four chambermaids.....	720 00	720 00



Years Ending  
Aug. 31, 1902. Aug. 31, 1903.

Salary of monitress for dining-room and study hall.....	\$ 315 00	\$ 315 00
Salaries of four dining-room girls.....	720 00	720 00
Salaries of five trustees.....	300 00	300 00
Transportation of indigent pupils.....	1,000 00	1,000 00
Dry goods and clothing for indigent pupils..	1,200 00	1,200 00
Fuel .....	1,500 00	1,500 00
Water and lights.....	500 00	500 00
To purchase pianos, musical instruments, music books in line and point print, dissecting maps, globes, apparatus for school, school furniture, kindergarten material, sewing machines and material for girls' industrial department.....	2,000 00	1,500 00
Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses.....	17,000 00	17,000 00
Repairing furnaces, boilers and laundry, including belts, pulleys and irons and other necessary equipments.....	500 00	500 00
General repairs to buildings and grounds....	2,000 00	1,000 00
Painting buildings and fences, enameling iron beds and bath tubs, making book cases and apparatus cabinets .....	1,500 00	1,500 00
Medical attendance .....	600 00	600 00
Salary of physical director.....	450 00	450 00
Three boilers, all connections made with new brick work .....	3,500 00	
Plumbing, repairing sewers, putting in new pipes, and other work, to be expended in two years .....	1,500 00	

## DEAF AND DUMB ASYLUM.

Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, and fuel, lights, water and housing for himself and family.....	2,000 00	2,000 00
Salary of principal, without board.....	1,500 00	1,500 00
Salary of first teacher, without board.....	1,175 00	1,175 00
Salary of second teacher, without board.....	1,080 00	1,080 00
Salary of third teacher, without board.....	1,080 00	1,080 00
Salary of fourth teacher, without board.....	775 00	775 00
Salary of fifth teacher, without board.....	775 00	775 00
Salary of sixth teacher, without board.....	775 00	775 00
Salary of seventh teacher, without board...	775 00	775 00
Salary of eighth teacher, without board.....	775 00	775 00
Salary of ninth teacher, without board.....	775 00	775 00
Salary of tenth teacher, without board.....	775 00	775 00
Salary of eleventh teacher, without board...	655 00	655 00
Salary of twelfth teacher, without board....	655 00	655 00
Salary of first oral teacher, without board..	1,080 00	1,080 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of second oral teacher, without board..\$	855 00	\$ 855 00
Salary of third oral teacher, without board..	855 00	855 00
Salary of fourth oral teacher, without board..	775 00	775 00
Salary of fifth oral teacher, without board..	775 00	775 00
Salary of sixth oral teacher, without board..	775 00	775 00
Salary of seventh oral teacher, without board..	720 00	720 00
Salary of eighth oral teacher, without board..	720 00	720 00
Salary of ninth oral teacher, without board..	655 00	655 00
Salary of tenth oral teacher, without board..	655 00	655 00
Salaries of three additional teachers, without board .....	2,085 00	2,085 00
Salary of art teacher, without board.....	775 00	775 00
Salary of instructor in printing, without board .....	900 00	900 00
Salary of instructor in shoemaking, without board .....	895 00	895 00
Salary of instructor in carpentry.....	895 00	895 00
Salary of instructor in tailoring, without board .....	775 00	775 00
Salary of instructor of sewing.....	400 00	400 00
Salary of instructor in painting.....	480 00	480 00
Salary of storekeeper and accountant.....	900 00	900 00
Salary of first matron.....	600 00	600 00
Salary of second matron.....	480 00	480 00
Salary of first monitor.....	480 00	480 00
Salary of second monitor.....	480 00	480 00
Salaries of two monitresses for girls.....	800 00	800 00
Salaries of three monitresses for small boys..	1,200 00	1,200 00
Salary of nurse for boys.....	400 00	400 00
Salary of nurse for girls.....	400 00	400 00
Salary of electrician, engineer and plumber..	900 00	900 00
Salary of assistant engineer.....	600 00	600 00
Salary of night watchman.....	300 00	300 00
Salary of gardener.....	300 00	300 00
Salaries of two laborers.....	480 00	480 00
Salary of foreman of laundry.....	480 00	480 00
Salaries of five assistant laundresses.....	1,260 00	1,260 00
Salary of baker.....	480 00	480 00
Salary of chief cook.....	480 00	480 00
Salaries of three assistant cooks.....	900 00	900 00
Salaries of two chambermaids.....	480 00	480 00
Salaries of six dining-room girls.....	1,260 00	1,260 00
Supplies, provisions and miscellaneous.....	33,000 00	33,000 00
Water, electric light and power.....	2,500 00	2,500 00
Furniture and furnishing.....	1,000 00	1,000 00
Clothing and transportation for indigents...	2,800 00	2,800 00
Art material.....	200 00	200 00
Salary of board of trustees, including mileage	360 00	360 00
Tables, table linen and cutlery.....	300 00	300 00
Dry goods, blankets and mattresses.....	1,000 00	1,000 00
Medical attention.....	1,200 00	1,200 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Literature and additional books for library..\$	500 00	\$ 500 00
Contingent expenses .....	300 00	300 00
Harness and tools.....	200 00	200 00
Laundry machinery.....	750 00	250 00
Engineer's and carpenter's tools.....	100 00	100 00
Engine and dynamo for power plant.....	5,000 00	
New school building and furniture.....	40,000 00	
Repairs on buildings and grounds.....	2,000 00	2,000 00
Provided, that the interest on all securities held by the Deaf and Dumb and Blind Asylum funds are hereby appropriated, the remainder to be paid out of the general revenue.		

## HOUSE OF CORRECTION AND REFORMATORY.

Salary of Superintendent, with board for himself and family, not to exceed in value \$500 per year, and fuel, lights, water and housing .....	1,800 00	1,800 00
Salary of accountant.....	900 00	900 00
Salary of farm supervisor.....	600 00	600 00
Salary of engineer.....	720 00	720 00
Salaries of two teachers, at \$480 each.....	960 00	960 00
Salaries of four night guards.....	1,440 00	1,440 00
Salaries of ten day guards.....	3,000 00	3,000 00
Salary of baker and cook.....	360 00	360 00
Salary of druggist and nurse.....	400 00	400 00
Salary of physician.....	400 00	400 00
Salary of chaplain.....	300 00	300 00
Maintenance .....	21,975 00	21,975 00
Fuel .....	500 00	500 00
Books and slates.....	200 00	200 00
Medicine .....	300 00	300 00
Postage and express.....	200 00	200 00
Discharge and transportation.....	1,000 00	1,000 00
Literature and library.....	150 00	150 00
Contingent expenses.....	300 00	300 00
Expenses penitentiary board.....	300 00	300 00
Farm implements.....	300 00	300 00
Hospital .....	2,500 00	

Provided, that the products and labor of said reformatory are hereby appropriated in part payment of the above appropriation, the remainder to be paid out of the general revenue; provided further, that the superintendent of the reformatory is hereby required to rent sufficient land to keep all the inmates employed.

## CONFEDERATE HOME.

Maintenance of inmates.....	35,000 00	45,000 00
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	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of Superintendent, with board for himself and family, not to exceed in value \$500 per year, and fuel, lights, water and housing .....	\$ 1,500 00	\$ 1,500 00
Salary of surgeon .....	1,200 00	1,200 00
Salary of storekeeper and accountant.....	600 00	600 00
Salary of chief cook .....	480 00	480 00
Salaries of two assistant cooks.....	480 00	480 00
Salaries of seven waiters, at \$180 each.....	1,260 00	1,260 00
Salary of chief cook in hospital.....	360 00	360 00
Salary of assistant cook .....	240 00	240 00
Salary of druggist .....	540 00	540 00
Salary of hospital matron .....	400 00	400 00
Salary of matron for dining-room.....	400 00	400 00
Salaries of five nurses at hospital, at \$288 each .....	1,440 00	1,440 00
Salary of laundress.....	250 00	250 00
Salaries of three assistants at \$180 each....	540 00	540 00
Medicine, hospital stores, and supplies.....	1,000 00	1,000 00
Transportation of inmates.....	200 00	200 00
Salary of carpenter, plumber and painter....	600 00	600 00
Salary of yard man .....	240 00	240 00
Furniture .....	1,000 00	
Repairs and painting.....	500 00	500 00
For new buildings and improvements, to be expended in two years.....	10,000 00	
Literature .....	300 00	300 00
Provided, the Superintendent shall make a yearly report to the Governor showing in detail all sums expended for this institution by him or any one else.		

## QUARANTINE DEPARTMENT.

Salary of Health Officer.....	2,500 00	2,500 00
Salary of stenographer and typewriter.....	900 00	900 00
Salary of quarantine inspector at El Paso while engaged in actual service of the State at \$150 per month.....	1,800 00	1,800 00
Salary of quarantine inspector at Eagle Pass when actually engaged in service \$150 per month .....	1,800 00	1,800 00
Salary of quarantine inspector at Laredo, when actually engaged in service, \$150 per month .....	1,800 00	1,800 00
Salary of quarantine officer at Brownsville when actually engaged in service, \$150 per month .....	1,800 00	1,800 00
Salary of one boatman when actually engaged in service, at \$50 per month.....	600 00	600 00
Salary of one mounted guard at mouth of		

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Rio Grande for six months, at \$75 per month .....	\$ 450 00	\$ 450 00
Salary of quarantine officer at Aransas Pass for six months, at \$150 per month.....	900 00	900 00
Salary of boatman at Aransas Pass when actually engaged in service, \$50 per month..	600 00	600 00
Salary of quarantine officer at Pass Cavalla for six months in each year, \$150 per month	900 00	900 00
Salary of one boatman at Cavalla when actually engaged in service, \$50 per month..	600 00	600 00
Salary of one quarantine officer at Velasco for six months in each year, \$150 per month..	900 00	900 00
Salary of one boatman at Velasco six months in each year, \$50 per month.....	300 00	300 00
Salary of quarantine officer at Galveston when actually engaged in service, \$200 per month	2,400 00	2,400 00
Salary of one disinfecter, at \$60 per month.	720 00	720 00
Salary of assistant disinfecter, at \$50 per month .....	600 00	600 00
Salary of engineer on launch, at \$75 per month .....	900 00	900 00
Salary of captain of disinfecting vessel, at \$125 per month.....	1,500 00	1,500 00
Salary of engineer of disinfecting vessel, at \$125 per month.....	1,500 00	1,500 00
Salary of fireman of disinfecting vessel, at \$70 per month.....	840 00	840 00
Salary of deck hand disinfecting vessel, at \$60 per month .....	720 00	720 00
Salary of engineer at disinfecting plant at Sabine Station .....	900 00	900 00
Salary of one quarantine officer at Sabine Pass when actually engaged in service, \$150 per month .....	1,800 00	1,800 00
Salary of one disinfecter at Sabine Pass, \$60 per month .....	720 00	720 00
Salary of one boatman at Sabine Pass, at \$50 per month .....	600 00	600 00
Traveling expenses and office expenses, including telegraphing and telephoning, and maintenance of permanent quarantine stations, except for salaries, at Galveston, Sabine Pass, Velasco, Aransas, Cavalla, Brownsville, Laredo, Eagle Pass and El Paso, for guarding State line at other places against infectious diseases as may become necessary from time to time, and for necessary repairs to State's property for each year .....	12,000 00	12,000 00
Maintenance of quarantine guard at Corpus Christi Pass, to be under the supervision of		

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
the Quarantine Physician at Harbor Island, said guard to furnish his own boat and supplies at a salary of \$75.00 per month for eight months each year.....\$	600 00	\$ 600 00
Fumigating plant, including fumigating vessel, at Galveston, and equipment for the same, to be expended within the next two years, to be purchased by the Governor or under his immediate direction, he being responsible for such purchase, in addition to the \$25,000 heretofore appropriated at the regular session of the Twenty-seventh Legislature .....	20,000 00	
For building one iron frame screw pile for quarantine officer's residence at Galveston.	15,000 00	
Provided, that the Governor is hereby authorized to sell the steam tug Hygeia at the best price obtainable, and may use the proceeds derived from said sale for the purchase of two naptha launches.		
Provided further, that the State Health Officer shall submit to the Governor at the end of each three months an itemized report showing the manner in which said funds are expended, and said itemized report shall, after approval, be filed with the Comptroller for public inspection.		
Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.		

**DEAF, DUMB AND BLIND ASYLUM FOR COLORED YOUTHS.**

Salary of Superintendent .....	1,500 00
Salary of principal teacher .....	675 00
Salaries of three class-room teachers and one music teacher .....	1,800 00
Salary of instructor in broom making and mattress making .....	450 00
Salary of shoemaker .....	450 00
Salary of seamstress .....	300 00
Salary of matron .....	360 00
Salaries of laundress and one assistant.....	420 00
Salary of night watchman.....	300 00
Salary of engineer and plumber.....	500 00
Salary of preceptress .....	270 00
Salary of cook and assistant.....	500 00

	Aug. 31, 1902.	Years Ending Aug. 31, 1903.
Salary of farmer and gardener.....\$	300 00	
Salary of monitor .....	270 00	
Salary of assistant matron and poultry raiser for eight months.....	200 00	
Furniture .....	250 00	
Stationery, postage and printing.....	75 00	
Clothing for indigent pupils.....	400 00	
Apparatus .....	125 00	
Transportation for indigent pupils.....	450 00	
Tools for shop.....	100 00	
Repairs and general improvements.....	300 00	
For groceries and miscellaneous, including pay of the board and mileage.....	8,000 00	\$ 8,000 00
To establish an industrial plant and machin- ery for broom and mattress factory.....	1,000 00	
For air pump .....	600 00	
For kitchen range and fixtures.....	500 00	
For reservoir and pump repairs.....	500 00	
For barn .....	650 00	

## SAM HOUSTON NORMAL INSTITUTE.

For support and maintenance.....	37,500 00	37,500 00
For library, apparatus, repairs, improve- ments, etc. ....	2,000 00	2,000 00

## NORTH TEXAS STATE NORMAL.

For the maintenance of the North Texas State Normal School at Denton, Texas; provided this appropriation shall take the place of the appropriation made in Senate Bill No. 48, providing for the maintenance of said normal school .....	20,000 00	20,000 00
For equipments, improvements and repairs at once .....	4,000 00	
For scholarships .....	17,500 00	17,500 00

SOUTHWEST TEXAS NORMAL SCHOOL AT SAN  
MARCOS.

To complete building, and equip same, to be expended in two years.....	20,000 00	
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## STATE PENITENTIARIES.

For conveying convicts to the penitentiaries and reformatory .....	20,000 00	20,000 00
Traveling expenses of Superintendent.....	500 00	500 00
For library at Rusk.....	250 00	250 00
For library at Huntsville .....	250 00	250 00
All proceeds of convict labor in addition thereto for making up deficiencies in		

	Years Ending
	Aug. 31, 1902.      Aug. 31, 1904.

monthly expenses, and to purchase material to carry on prison industries which shall be paid out of the treasury on the warrant of the Comptroller, whenever demanded by the Penitentiary Board, to be used if needed, for each year; provided, that this sum shall not be drawn out of the treasury except as needed, which also may be expended for the purpose of buying lands, improved or unimproved.....\$ 40,000 00      \$ 40,000 00

And the Penitentiary Commissioners, with the consent of the Governor, are hereby authorized to erect a sugar mill for grinding the sugar to be grown on the William Clemens farm in Brazoria county, and to equip the same with the necessary machinery and appurtenances upon a credit, and to pledge the proceeds of the crops to be grown on said farm for the payment of the obligation that may be contracted as herein authorized.

To pay salaries of two teachers, one at Huntsville and one at Rusk, \$300 each....	600 00	600 00
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Provided, that the Superintendent of the State Penitentiaries shall keep a correct record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by said superintendent, and filed with the Comptroller of Public Accounts; provided further, that no record shall be made of the absence of either the Superintendent or the Financial Agent of Penitentiaries.

#### PRAIRIE VIEW NORMAL SCHOOL.

To defray two-thirds of the expense of 159 State students, the other one-third of said expense to be borne and paid by the students, said students to be appointed by the members of the Legislature as follows: One by each Senator and one by each Representative; provided, the students appointed hereunder shall supersede and be in place of the forty-six State students provided for in Article 3886 of the Revised Statutes of Texas.....	15,000 00	15,000 00
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Receipts from sales of farm and dairy products, surplus stock and worn out property, to be accounted for as other State funds.



	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
To maintain the agricultural and mechanical department .....	\$ 2,500 00	\$ 2,500 00
To maintain girls' industrial department....	500 00	500 00
For general repairs and painting houses....	2,000 00	2,000 00
For purchasing graded cows.....	1,000 00	
For books, stationery, and printing books and postage .....	250 00	100 00
For library .....	350 00	350 00
To build three cottages for professors.....	2,700 00	
Improvement of grounds and grading road from College to railroad station.....	300 00	
Mattress and broom factory.....	500 00	500 00

## AGRICULTURAL AND MECHANICAL COLLEGE.

Support and maintenance out of general revenue .....	25,000 00	25,000 00
Student labor fund.....	5,000 00	5,000 00
To build and equip chemical and veterinary laboratory, to be expended in two years....	31,000 00	
For support and maintenance Beeville experimental station.....	2,500 00	2,500 00
For repairs of buildings and equipment for the Beeville Experimental station, to be expended in two years.....	2,500 00	
The proceeds of the sale of all products of said experimental station shall be paid into the State treasury to the credit of said station.		
For establishment of one additional experimental station, location to be selected by the board of directors of A. & M. college.....	10,000 00	
Gravel for roads and sidewalks.....	2,000 00	
Tools and machinery for two years.....	500 00	
For painting and repairs, to be expended in two years .....	2,500 00	
Library .....	1,000 00	1,000 00

In addition to the above the interest on \$209,000 of State bonds held by the Agricultural and Mechanical College fund is hereby appropriated for the support of this institution; provided, that the board of directors of the Agricultural and Mechanical College of Texas, shall include in their reports the number and salaries of the faculty and employes of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions in the same manner as the law requires the Board of Regents to report the salaries and number of the faculty and employes and the receipts of the University of Texas.

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.

All proceeds of the sale of farm and dairy products, surplus stock and worn out property are hereby appropriated to maintain and support said institution.

Salary and expenses of State Entomologist..\$	2,200 00	\$ 2,200 00
To establish and equip apiary at the A. and M. College.....	500 00	250 00
For assistance for State Entomologist.....	1,000 00	1,000 00
For insecticides and apparatus.....	600 00	600 00

#### FISH AND OYSTER COMMISSION.

Salary of Commissioner.....	1,800 00	1,800 00
Office rent, traveling and other expenses of Commissioner .....	600 00	600 00

#### STATE PURCHASING AGENT.

Salary of Agent.....	2,000 00	2,000 00
Salary of clerk .....	1,000 00	1,000 00
Salary of assistant clerk .....	900 00	900 00
Contingent expenses .....	400 00	400 00

For steel tanks, burners, pumps, hose, couplings, needle valves, brass unions, fire brick, pipes, etc., being apparatus necessary for burning oil for fuel in each of the following institutions:

North Texas Insane Asylum, Terrell.....	2,000 00
State Lunatic Asylum, Austin.....	3,250 00
Southwestern Lunatic Asylum, San Antonio.	1,500 00

Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that such absences be incorporated in the report made annually by the head of said department.

#### ADJUTANT GENERAL'S DEPARTMENT.

Salary of Adjutant General.....	2,000 00	2,000 00
Salary of chief clerk.....	1,200 00	1,200 00
Provided, it shall not be lawful for the Adjutant General Department to employ any clerk or stenographer other than herein provided for.		
Salary of porter, messenger and armorer....	360 00	360 00
Stationery, postage and telegraphing.....	700 00	500 00
Contingent expenses .....	50 00	50 00
For the maintenance and support of the Ranger force in the suppression of lawlessness and crime.....	30,000 00	30,000 00
Payment of and transportation and subsist-		

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.

ence for the Volunteer Guard when called into active service under the law, and it shall not be lawful to pay out of this sum any amount that is not for the subsistence and transportation of the volunteers when called into active service.....	\$ 5,000 00	\$ 5,000 00
Transportation and maintenance of Texas Volunteer Guard for camp of instruction..	10,000 00	10,000 00
Provided, if any city in this State shall subscribe \$10,000 for said encampment the city subscribing \$10,000 or more shall have the encampment, and the \$10,000 herein appropriated for the encampment secured by the largest bidder, shall lapse into the treasury; and provided further, that the Governor and Adjutant General shall make the award to the largest and best bidder.		
Handling and transportation of ordnance, stores and quartermaster's supplies, labor in arsenal and repairs to arms, and inspection of arms and troops.....	1,000 00	1,000 00
Provided, that the head of the said department keep an account of the absences of the various employes, and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that such absences be incorporated in the report made annually by the head of said department.		

## LIVE STOCK SANITARY COMMISSION.

For maintenance of Live Stock Sanitary Commission .....	6,000 00	6,000 00
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## PUBLIC PRINTING.

First, second and third class printing and binding, and for printing papers for first, second and third class of public printing..	22,500 00	22,500 00
For advertising for State business.....	500 00	500 00
For salary of expert printer and secretary of printing board.....	1,500 00	1,500 00
Files, books and furniture for expert printer.	50 00	50 00
For binding assessment rolls and tax collector's reports.....	1,000 00	1,000 00

## PUBLIC BUILDINGS AND GROUNDS.

Salary of Superintendent .....	1,500 00	1,500 00
Salary of bookkeeper .....	900 00	900 00
Salary of engineer and electrician.....	1,200 00	1,200 00
Salary of assistant engineer .....	900 00	900 00
Salaries of four watchmen .....	3,120 00	3,120 00

	Years Ending	
	Aug. 31, 1902.	Aug. 31, 1903.
Salary of one carpenter.....	\$ 900 00	\$ 900 00
Salaries of two firemen .....	1,200 00	1,200 00
Salary of plasterer .....	800 00	800 00
For traveling and other expenses of Superin- tendent on official business.....	150 00	150 00
Salaries of six cleaners .....	2,160 00	2,160 00
Salary of one elevator man.....	720 00	720 00
Salaries of two drivers at \$420 each.....	840 00	840 00
Labor and material on capitol grounds and keeping sewers in repair and keeping ceme- tery .....	7,500 00	7,500 00
Headstones for Confederate and Texas veter- ans buried in State cemetery.....	300 00	300 00
Water, light, fuel, and contingencies.....	12,000 00	12,000 00
Oil and waste for engines, dynamos, steam pumps, drawing paper and stationery.....	400 00	400 00
Feed for teams.....	250 00	250 00
Tools .....	100 00	100 00
Pipe and fittings for capitol building.....	2,500 00	1,500 00
Repairing and painting capitol building and repairing furniture in House and Senate, to be expended in two years.....	10,000 00	
Provided, that the head of said department shall keep a record of the absences of the various employes, the reasons therefor, whether from sickness, vacation, or on leave of absence, and that such record be incorpo- rated in the annual report made by the head of said department; and provided further, that the Superintendent shall keep an item- ized account of the expenses of this depart- ment and incorporate the same in his an- nual report.		

## EPILEPTIC ASYLUM AT ABILENE.

To complete the purchase of standpipe, heat- ing apparatus and all necessary machinery for power, light and water, laundry pur- poses, etc., and to purchase furniture, beds, bed clothing and mattresses, pay transpor- tation of patients now confined in other asylums, provisions, cooking apparatus to open and operate the institution, and pay of board of managers, superintendent, and other officers and employes for the period intervening between the completion of the building and the 1st day of September, 1903 .....	50,000 00
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## ALBERT SIDNEY JOHNSTON MONUMENT.

For the purpose of erecting a monument to

Years Ending  
Aug. 31, 1902. Aug. 31, 1903.

the memory of General Albert Sidney Johnston, the site to be selected, the contract let, and work done under the supervision of the Governor, Comptroller, Superintendent of Public Buildings and Grounds, and the President of the Daughters of the Confederacy .....\$ 10,000 00

## MISCELLANEOUS.

To pay William Folsetter, veterinary surgeon, for services rendered the Live Stock Sanitary Commission from August, 1899, to and including January, 1900, including expenses, medicines, etc., accounts rendered and approved by the Sanitary Commissioner .....	750 00
To pay J. E. Hughes, sheriff of Potter county, fees and expenses for conveying F. H. Voils from Amarillo, in Potter county, to Wichita Falls, under order of the District Court.	39 45
To pay A. D. Shrewsbury, sheriff of Grayson county, for fees and expenses for conveying Mrs. M. A. Martin, an attached witness, from Grayson county to Bexar county, under order of the District Court, January, 1901 .....	43 20
To pay W. S. Swan, sheriff of Jones county, for fees and expenses for conveying John Holman and Mrs. S. A. Hendrix, attached witnesses, from Jones county to Taylor county, under order of the District Court. .	15 20
To pay J. W. Collins, sheriff of Haskell county, fees and expenses for conveying attached witness, H. R. Jones, from Haskell county to Stonewall county, by order of the District Court .....	7 00
To pay W. I. Satterfield fees and expenses for conveying B. B. Hooks, an attached witness, from Brandon, in Hill county, to Dallas, in Dallas county, by order of the District Court. ....	10 65
To pay W. A. Spencer, ex-sheriff of Kimble county, fees and commission on sale of land purchased by the State on the 5th day of February, 1889, sold under writ issued out of the District Court of Travis county, Texas; on the 29th day of January, 1889, in cause No. 7462, State of Texas vs. John B. Garner .....	75 60
To refund to T. S. Sharp for amount of over-	

	Years Ending Aug. 31, 1902.	Aug. 31, 1903.
paid merchant's occupation tax for the year 1900 .....	\$	55 00
To pay John W. Tobin fees and expenses for conveying attached witness, O. E. Hubbard, from San Antonio, Texas, to Belton, Texas, under order of the District Court.....		33 75
To pay J. H. Thornton for fees and expenses in conveying Mrs. M. M. Bennett, an attached witness, from Eastland county to Comanche, in Comanche county, under order of the District Court.....		30 10
To pay L. A. Holt money paid to the treasury for school land for which patent could not issue, out of the available school fund.....		19 97
To pay W. C. Joliff money paid into the treasury by the county collector of Grayson county by mistake.....		300 00
To pay State bonds known as "baby bonds" ..		100 00
To pay balance on 6 per cent. bond account..		576 96
To pay Warren W. Moore, district attorney Districts Nos. 26 and 53, out of the permanent school fund, commissions on judgment in cause No. 16,778 in District Court of Travis county, and styled State of Texas vs. Hardeman county, said judgment being for the sum of \$5,000 .....		300 00
To refund franchise tax erroneously and illegally collected from the Lone Star Agricultural and Horticultural Society of Austin county .....		70 00
To pay D. R. Emerson, sheriff of Falls county, for carrying attached witness Henry Miller from Falls county to McLennan county, in March, 1897, under order of the District Court .....		10 15
To pay Robert Goodfellow, sheriff of Coleman county, fees for conveying convict B. Garcia from the penitentiary to Coleman, Texas, to stand trial, and for other fees in said case .....		99 70
To pay John D. Mann, clerk District Court, Coleman county, for fees in the case of State vs. B. Garcia, in District Court of Coleman county, where conviction was had, but punishment not made cumulative.....		10 00
To pay to John R. Banister for carrying attached witnesses in cause No. 2237, pending in the District Court of Brown county, under an order of the District Court.....		25 80
To refund to L. A. Holt amount paid by him on fractional Section No. 2, M. K. T. Ry.		

Years Ending  
Aug. 31, 1902. Aug. 31, 1903.

Co., Certificate 100, of 152½ acres; also south half of Section 4, H. & T. C. Ry. Co., Certificate 746, Block 5, of 320 acres of land, both in Wilbarger county, Texas, sold to L. A. Holt on April 11th, 1898, as additional land to Section 17, Block No. 5, same county, to which land the State of Texas refuses to issue patent to the said L. A. Holt, to be paid out of the permanent school fund.....\$	152 25
To refund to L. A. Holt amount paid by him on the south half of Section 4, Certificate 746, Block 5, Grantee H. & T. C. Ry. Co., in Wilbarger county, Texas, 320 acres F. 48, 280, and fractional Section No. 2, Certificate No. 100, Grantee M. K. & T. Ry. Co., in Wilbarger county, Texas, 152½ acres F. 48, 281, sold to L. A. Holt under Act of 1897, April 11th, 1898, as additional land upon his application and obligations to purchase the same as such, dated April the 11th, 1898, and filed in the General Land Office April 11th, 1898, on which said land of L. A. Holt, the State of Texas refuses to issue patent to L. A. Holt, to be paid out of the permanent school fund.....	320 00
To pay to Mrs. Fannie D. Putegnat, surviving widow of Dr. Wm. Putegnat, deceased, for medical services rendered to the State rangers of Capt. Brooks' company during the months of January, March and April, 1900 .....	34 00
To pay J. L. Putegnat for drugs and prescriptions furnished to Texas State rangers of Capt. Brooks' company during the months of April, May, June, October, November, December, of 1900, and the month of January, 1901 .....	6 07
To purchase portrait of Chas. A. Culberson, ex-governor of Texas, for the State library.	300 00
To pay A. H. Parker, county surveyor of El Paso county for making field notes and copies thereof of about two million acres of land surveyed by him in El Paso county, to be paid out of the general revenue upon the approval of the Commissioner of the General Land Office .....	1,900 00
To pay S. B. Turbeville, sheriff of Delta county fees and expenses for conveying John Buchner from Cooper in Delta county	

		Years Ending	
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to Waxahachie, under order of District Court .....	\$	14	25
To pay R. L. Collier, sheriff of Dickens county for conveying attached witness in case of State vs. Epp Wilson, District Court, Knox county.....		29	65
To pay L. W. Davis, deputy sheriff, Dickens county, for conveying attached witness in case State vs. Epp Wilson, District Court, Knox county .....		48	55
To pay H. L. Little for services rendered the State under the direction of district judge in serving certain attachments in the case of the State of Texas vs. Ogle, charged with murder .....		55	00
To pay Mrs. Mary J. Jones excess of purchase money paid by her on Survey No. 10, Certificate No. 529, B. B. B. & C. R. R. Co. containing six hundred and forty acres of land in Callahan county, to be paid out of the permanent school fund.....		20	85
To pay the expenses of three commissioners which may be incurred by said Commissioners while co-operating with the National Park Commission in determining the positions of Texas organizations in the defense of Vicksburg, and such other duties as may be assigned them, said Commissioners to be hereafter appointed by the Governor.....		300	00
To pay Kelly & Pollard of El Paso, Texas, for vaccine tubes purchased by the State Health Officer and used by him.....		15	00
To pay for the erection of pedestals for the statues of Houston and Austin, to be placed in the State Capitol at Austin.....		1,000	00
For the erection in marble of the statue of General Sam Houston, as designed by Elizabeth Ney, to be placed in the remaining space at Washington, D. C., in the hall of statuary, as set aside to Texas by act of Congress, the other space having been given to the Daughters of the Republic of Texas to be filled by the statue of Stephen F. Austin by private subscription; provided, the Governor of Texas is authorized to contract with the said Elizabeth Ney in her individual capacity for the execution of said work, the sum of .....		5,000	00
To pay deficiency for first, second and third classes public printing, and for paper for first and second classes.....		4,000	00



	Years Ending
	Aug. 31, 1902.      Aug. 31, 1903.

To pay deficiency for stationery for Attorney General .....	\$ 39 00
To pay deficiency for stationery for Comptroller .....	456 00
To pay J. W. Freeland, sheriff's fees and expenses for conveying Elizah Green, attached witness, from Limestone county to Hill county by order of the District Court.....	19 65
For the payment of bonds, certificates and other evidences of indebtedness of the Republic of Texas which constituted, or might have constituted under proof and presentation, legal and valid claims against the United States government by virtue of an Act of Congress approved February 28, 1855, entitled "An Act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the Act of Congress of September 9, 1850," and also an Act of the Legislature of the State of Texas, approved February 1, 1856, entitled "An Act giving the assent of the State of Texas to 'An Act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the Act of Congress of September 9, 1850,' which was passed at the second session of the Thirty-third Congress of the United States, and approved February 28, 1855," the sum of..	15,000 00

Provided, that the bonds, certificates or other evidences of indebtedness, subject to payment under this act, as well as the amount to be paid and interest on the same, shall be such as is provided for in said act, and provided further, that the promissory notes referred to in said Act of the Legislature of Texas, approved February 1, 1856, as being under an act of Congress of the Republic of Texas of the date June 7, 1837, but being really issued under the Act of Congress of said Republic, approved June 9, 1837, are understood to be within provisions of this act: and provided further, that all valid bonds, certificates and other evidences of indebtedness issued by David G. Burnet, President of the Republic of Texas, ad interim, between the sixteenth day of March, 1836, and the third day of October, 1836, are understood to be within the provisions of this act; provided, that no claims shall be paid that have been heretofore rejected by

the government of the United States, and the claimant shall show by his affidavit that no such rejection has been made so far as he knows or can ascertain; provided, that the holder of such bond, certificate or other evidence of indebtedness desiring to collect the same, shall present the same to the Comptroller of this State, together with his application for the payment thereof, supported by his own affidavit of its genuineness, and that he is the legal and bona fide owner thereof, and further supported by the affidavit of two credible persons, resident citizens of the same county as the applicant, that they know the applicant, and that he is the person he represents himself to be, and that they verily believe such bond, certificate or other evidence of indebtedness to be genuine, and that they further believe that the applicant is the legal and bona fide holder and owner of the same; provided, that the county judge of the county where said applicant resides, if satisfied that the claim is genuine and that the applicant is the legal and bona fide owner thereof, shall make endorsement on such application, so stating; and provided, that upon presentation of such bond, certificate or other evidence of indebtedness to the Comptroller, supported and verified as above required, and the surrender of the same to him, it shall be the duty of the Comptroller, if satisfied of the genuineness of the same, to draw his warrant in favor of the owner upon the Treasurer of the State, for the amount due on such bond, certificate, or other evidence of indebtedness, as said amount is defined and determined and provided for by said Act of Congress, approved February 28, 1855, and said Act of the Legislature of this State, approved February 1, 1856. No interest shall be paid on any bond, note, certificate or other evidence of indebtedness for any period subsequent to February 1, 1856.

**SEC. 2.** All buildings for the erection and equipment of which appropriations have been made under this act, and all improvements of and repairing of any public buildings, shall be erected and made under the direction, management and supervision of honest and competent architects, who shall be appointed by the Governor and whose fees or salary shall be deducted from the respective appropriations made for such purposes; and it shall be unlawful for the Comptroller of Public Accounts

to issue any warrants on the treasury, and for the Treasurer to pay any such warrants for the erection of any of the public buildings herein provided for, or for any such improvements of or repairing to any public building, except upon an itemized statement of such expenditures, approved by the Governor with his written approval thereon, which itemized statement shall be filed and kept by the Comptroller for public inspection; and provided further, that a duplicate certified copy of the plans, specifications and estimates used in the erection or improvement of any of said buildings shall be filed with and kept by the Secretary of State in his office for public inspection; and provided further, that any appropriation made under this act for the erection of new buildings and improvement of old buildings, and the purchase of machinery and equipments shall be withheld by the Governor if in his opinion the condition of the treasury will not warrant the expenditure of any such sum or sums.

SEC. 3. Provided, however, that with the exception of the appropriation made for the account of the State Penitentiary and Assistant Attorney General, that the Comptroller of Public Accounts is hereby instructed to draw no warrants against any appropriation made for the various State institutions and departments of this State, unless an itemized statement under oath be filed as a voucher in the office of said Comptroller.

SEC. 4. It is hereby required of each and every institution of this State to keep an itemized account and record of all moneys received from sales of all property, products, animals and leases of property, and the managers, presidents and superintendents of all such institutions shall cause to be made semi-annually to the Comptroller of Public Accounts an itemized statement, showing all such sales and moneys received therefrom and from such leases; provided, that the Superintendent of Penitentiaries and the Regents of the University shall not be required to do more than is at present provided by law, and they are exempt from the operation of this section.

SEC. 5. The fact that there is no appropriation for the support of the State government from August 31, 1901, to September 1, 1903, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, yeas 68, nays 32, and was reported to the Senate, where same was passed, no vote given; Free Conference Committee report adopted by House, no vote given, and was adopted by the Senate, no vote given.]

Approved October 2, 1901.

Became a law October 2, 1901.

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## RESOLUTIONS.

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### FORT BROWN — RESOLUTION REQUESTING THE PRESIDENT AND SECRETARY OF WAR TO CONTINUE AS A MILITARY POST.

S. C. R. No. 8.] SENATE CONCURRENT RESOLUTION.

Whereas, It has come to the knowledge of the Texas Legislature that the Federal government contemplates the early abandonment of Fort Brown, located in the town of Brownsville, Texas, and,

Whereas, The abandonment of said fort would mean the removal of one of the most important Federal posts on the Mexican frontier, it being at the mouth of the Rio Grande and guarding the frontier for more than one hundred and forty miles, and,

Whereas, The town of Brownsville and the town of Matamoras are important to the commercial world, and especially the town of Brownsville, which receives a goodly amount of ocean traffic, and,

Whereas, The Mexican government considers the town of Matamoras and country tributary thereto as of sufficient commercial, military strategic importance to justify said government in maintaining at the said town of Matamoras a strong military post; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring: That we do hereby protest against the contemplated action of the Federal government, and most earnestly request of the President of the United States and the Secretary of War to continue said post, and all other military posts on the Rio Grande.

Be it further resolved: That our Senators and Representatives in Congress, and the Governor of this State, be and they are hereby requested to take up this matter with the proper officials of the Federal government and urge the continuation of the military post at Fort Brown; and,

Resolved, further: That the Secretary of the Senate be and he is hereby instructed to immediately mail a copy of this resolution to the President of the United States, the Secretary of War, each of our Senators and Representatives in Congress, and to the Governor of this State.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given, and was reported to the House of Representatives, where it was amended and passed, no vote given; Senate concurred in House amendments, no vote given.]

Approved October 2, 1901.

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### HON. RICE MAXEY—LEAVE OF ABSENCE GRANTED.

H. C. R. No. 3.] HOUSE CONCURRENT RESOLUTION.

Whereas, The Hon. Rice Maxey, judge of the 15th Judicial District of

Texas, has important business outside of the State demanding his personal attention,

Therefore, be it resolved by the House of Representatives of the Twenty-seventh Legislature, the Senate concurring, that the said Rice Maxey, judge as aforesaid, be and he is hereby permitted to go beyond the limits of the State of Texas for a period of sixty days, at any time from July 1st, to Oct. 1st, 1902.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

Approved October 2. 1901.

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### TURNER-FRANKLIN WEDDING—JOINT SESSION OF THE TWO HOUSES TO ATTEND.

#### S. C. R. No. 5.] SENATE CONCURRENT RESOLUTION.

Whereas, It is the pleasure of the Legislature to accept an invitation to witness the ceremonies uniting in marriage the esteemed and worthy Senator, Hon. D. McNeil Turner, and his most estimable and accomplished companion, Mrs. S. M. Franklin, Postmistress of the House, and,

Whereas, It is the sense of the members of each house to extend to them our best wishes, and lasting regards by expressing the same in an orderly way; therefore, be it

Resolved by the Senate, the House of Representatives concurring: That a joint session of both houses be held on next Tuesday, at 12 o'clock for the purpose above named.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given, and passed the House of Representatives, no vote given.]

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### INVESTIGATING COMMITTEE—PROVIDING FOR APPOINTMENT OF.

#### S. J. R. No. 1.] SENATE JOINT RESOLUTION.

To provide for the appointment of a joint committee to investigate the various departments of the State government during vacation and to report to the Governor and the next Legislature such data as may be gathered by them, and to make such recommendations as they see proper, and to make an appropriation to defray the expenses of such committee.

SECTION 1. Whereas. It is essential to the proper conduct of government that uniformity of service with commensurate pay should be had in all the State departments to the end that efficiency may be fairly awarded, and favoritism suppressed; and,

Whereas, The constantly increasing cost of the government demands a rigid investigation of the method of expending the public money in the different institutions and departments to the end that the Legislature

and the executive may be fully informed as to where expenditures may be curtailed and efficiency promoted; and,

Whereas, The Constitution of the State of Texas clearly implies that all positions of trust and emolument in this State should be created by, and compensation fixed by, legislative enactment, and to that end that so far as it is practicable civil service reform may be had in our several departments and institutions, thereby securing to the State the maximum of efficiency in results, together with the now generally expressed belief that irregularity prevails in the management of many of said institutions.

SEC. 2. Therefore, be it resolved by the Senate, the House of Representatives concurring, that a joint committee of five, to be composed of two Senators and three members of the House of Representatives be appointed by the presiding officers of the two houses respectively. Said committee shall be authorized to act during vacation, and shall have the power to send for persons and papers, administer oaths and compel the attendance of witnesses. Said committee shall have the power, and it is hereby made its duty to visit and thoroughly investigate each and every department and institution which is or may be in any way or manner connected with the State either by the Constitution, statute or contract, and to this end said committee is hereby authorized and empowered to examine books and papers, administer oaths and compel the attendance of witnesses to testify relative to all matters pertaining to the affairs of State within the scope of their power, now granted; provided, that said committee shall have the power and authority to punish for contempt any person who fails to attend its sessions after summons, duly served, or to answer questions after their appearance, and the authority of such committee to punish shall be the same as now given by law to the district judges in this State. Said committee shall have authority to employ such service as in its discretion may be regarded as essential to the speedy carrying into effect this resolution; provided, that not more than one stenographer shall be employed at one time by said committee, unless said committee work in sections, and in that case one stenographer to each section, each of whom shall be an expert stenographer and typewriter. The committee herein provided for will make a report in full of its findings of facts, recommendations and conclusions, together with the original testimony of witnesses, as provided for in this resolution.

SEC. 3. Said committee shall be convened at the call of the chairman, who shall be chosen by a majority of said joint committee; or said call may be had by a majority of said committee making a written request of said chairman, whereupon it shall become his duty to make such call. As compensation for services rendered, said members of said joint committee shall be paid five dollars (\$5) per day for actual services, and two dollars (\$2) per day for each day after the first sixty days, and such necessary expenses, not including board and lodging, as are actually incurred, and the itemized account of such members filed under oath, properly approved by the chairman of such committee, with the Comptroller, shall be sufficient authority for him to draw his warrant against the Treasurer for the amount so due.

SEC. 4. Said committee may in its discretion, sit as a whole or in sections for the purpose of investigation; provided, however, that all findings, recommendations and conclusions shall emanate from the committee sitting as a whole.

SEC. 5. The work of the committee provided for in this resolution shall not exceed one hundred and twenty days.

SEC. 6. All witnesses not in the employ of the State, appearing before said committee or any section thereof, shall be entitled and shall receive for such attendance and service the fees and per diem provided by law for witnesses in felony cases, and their account for such service approved by chairman of said committee shall be sufficient authority for the Comptroller to issue his warrant therefor.

SEC. 7. That the sum of ten thousand dollars or so much thereof as may be necessary is hereby appropriated out of any monies which may be in the treasury not otherwise appropriated for the purpose of carrying out the provisions of this resolution.

SEC. 8. Said committee shall have authority to select a person when needed to act in summoning witnesses and to execute all processes, and such person so chosen shall have the same authority as is given peace officers and he shall receive the same compensation as is now allowed sheriffs in the performance of similar duties.

SEC. 9. The near approach of the close of this session and the supreme importance to the people of the investigation herein provided for, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills and joint resolutions to be read on three several days in each house, and the same is hereby suspended, and that this resolution take effect and be in force from and after its passage, and it is so resolved.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate by two-thirds vote, yeas 28, nays 0, and passed the House of Representatives with amendments, no vote given; Senate concurred in House amendments by two-thirds vote, yeas 23, nays 3.]

Approved October 21, 1901.

Takes effect 90 days after adjournment.

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S. C. R. No. 7.]

Resolved by the Senate, the House of Representatives concurring: That in case of the appointment of a committee provided for in Senate Joint Resolution No. 1, known as the committee to investigate the various institutions of the State, that the Superintendent of Buildings and Grounds is hereby instructed to set aside the Finance Committee Room of the Senate together with a sufficient amount of stationery for their use and benefit in pursuing and completing their work.

[NOTE.—The enrolled bill shows that the foregoing resolution passed the Senate, no vote given, and passed the House of Representatives, no vote given.]

Approved October 21, 1901.

Takes effect 90 days after adjournment.

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## CERTIFICATE.

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STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

John G. Tod, Secretary of State of the State of Texas, do hereby certify that the foregoing laws and resolutions, passed at the second session of the Twenty-seventh Legislature, have been carefully examined and compared by me with the original enrolled bills now on file in this department, and are true copies of said original enrolled bills. I do hereby further certify that the second called session of the Twenty-seventh Legislature convened in the city of Austin on the fifth day of September, A. D. 1901, and adjourned on the first day of October, 1901.

In testimony whereof, I have hereunto subscribed my name, and have hereto affixed the seal of the State of Texas, in the city of Austin, this 12th day of October, A. D. 1901.

JOHN G. TOD,  
Secretary of State.



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**SPECIAL LAWS**  
**OF**  
**THE STATE OF TEXAS**  
**PASSED AT THE**  
**FIRST CALLED SESSION**  
**OF THE**  
**TWENTY-SEVENTH LEGISLATURE**

**CONVENED AT THE**  
**CITY OF AUSTIN, AUGUST 6, 1901,**  
**AND**  
**ADJOURNED SEPTEMBER 4, 1901.**



**AUSTIN:**  
**VON BOECKMANN, SCHUTZE & CO., STATE PRINTERS.**  
**1901.**



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# SPECIAL LAWS OF TEXAS

## SECOND CALLED SESSION

### TWENTY-SEVENTH LEGISLATURE, 1901.

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#### CITY OF ATHENS—VALIDATING INCORPORATION OF.

S. B. No. 19.]

#### CHAPTER I.

An Act to validate the incorporation of the city of Athens, Henderson county, Texas.

Whereas, towit: on the ——— day of ——— month, 1901, there was presented a petition to the county judge of Henderson county, Texas, signed by more than fifty qualified voters, residents of the City of Athens, asking that an election be ordered to determine whether or not the City of Athens should be incorporated in the corporate name of The City of Athens; and, whereas, said petition represented that the City of Athens contained one thousand inhabitants and over, and said petition was accompanied with the field notes and diagrams of the territory sought to be incorporated, and it described and took in a territory boundary of four square miles; and, whereas, in pursuance of an order of the county judge of Henderson county, an election was held in the town of Athens on the 10th day of May, 1901, to determine whether or not said town should be incorporated as prayed for, and a majority of the votes cast was in favor of incorporation, and the county judge so found, and adjudged that the inhabitants of the City of Athens within said boundaries of said four square miles be incorporated in the corporate name of the City of Athens, and the county judge ordered an election to be held to elect officers for said corporation viz.: a mayor, city marshal, five aldermen, city attorney, assessor and collector, city engineer and treasurer, all of whom were elected and qualified according to law; and whereas, the city council consisting of the mayor and five aldermen, afterwards appointed a recorder, city secretary and clerk of said recorder's court; and whereas, there is some doubt as to whether the incorporation of the city of Athens as incorporated, is valid under the law of the State of Texas, and there is also a doubt as to whether the city council had the power and authority under the law to appoint a recorder to hold said corporation court, created by the laws of the State of Texas; therefore,

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That the corporation of the City of Athens as it now stands incorporated, be and the same is hereby in all things validated, and this validation act shall heal and cure all irregularities in petitioning for said election or in ordering or holding the same, or in declaring the result thereof, and also in taking in and including the territory of

four square miles within the territory limits of said corporate limits of the City of Athens. And the citizens of the City of Athens, Henderson county, Texas, are hereby declared a body corporate by the name and style of The City of Athens, within the limits of four square miles as is hereinbefore set out in this act.

SEC. 2. That all of the officers elected for the City of Athens as set forth in Section 1, of this bill, are hereby declared to be the legally qualified officers for said various positions, and their said election to the several places named are hereby validated.

SEC. 3. That the appointment of a recorder for the City of Athens by the city council as provided in Section 1, of this act, be, and the same is hereby validated, and the said recorder so appointed shall have all the power that he would have if duly elected to said position, until the next general election in the City of Athens.

SEC. 4. The fact that there exists grave doubts as to the validity of the corporation of the City of Athens; and whereas, it is a growing city and stands greatly in need of a city government; and whereas, there are doubts as to whether the officers now acting under the city government as created, have authority and power to perform legally the functions of their several offices, and if said corporation is not validated by an act of the Legislature, the city will be greatly injured by delays on account of lawsuits which are now threatened against its existence, all of which create an emergency and imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and this bill shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 23, nays 1, and passed the House of Representatives by two-thirds vote, yeas 101, nays 0.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 31st day of August, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.]

Takes effect 90 days after adjournment.

## TOWN OF MOODY—ACT TO INCORPORATE.

H. B. No. 37.]

### CHAPTER II.

An Act to validate the incorporation of the town of Moody, McLennan county, Texas.

Whereas, towit: on the 18th day of March, 1901, there was presented a petition to the county judge of McLennan county, Texas, signed by more than fifty qualified voters, residents of the town of Moody, asking that an election be ordered to determine whether or not the town of Moody should be incorporated in the corporate name of the "Town of Moody" and

Whereas, said petition represented that the town of Moody contained one thousand inhabitants and over, and said petition was accompanied with the field notes and diagram of the territory sought to be incorporated, and it described and took in territory boundary of three hundred thirty acres; and whereas, in pursuance to an order of the county judge of McLennan county, an election was held in the town of Moody on the 6th day of April, 1901, to determine whether or not said town should be incorporated, as prayed for, and a majority of the votes cast was in favor of incorporation, and the county judge so found and adjudged that the inhabitants of the town of Moody, within said boundaries of said three hundred thirty acres, be incorporated, in the corporate name of the "Town of Moody," and the county judge ordered an election to be held to elect officers for said incorporation, viz.: A mayor, five aldermen and city marshal, all of whom were elected and qualified according to law; and

Whereas, The city council, consisting of the mayor and five aldermen, afterwards appointed a secretary and attorney for the town of Moody; and

Whereas, There is some doubt as to whether the incorporation of the town of Moody, as incorporated, is valid under the law of the State of Texas, and there is also a doubt as to whether the city council had the power and authority under the law to appoint said secretary and attorney; therefore

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the corporation of the town of Moody, as it now stands incorporated, be and the same is hereby in all things validated; and this validating act shall heal and cure all irregularities in petitioning for said election, or in ordering or holding the same or in declaring the result thereof, and also in taking in and including territory of three hundred thirty acres within the territory limits of said corporate limits of the town of Moody. And the citizens of the town of Moody, McLennan county, Texas is hereby declared a body corporate, by the name and style of the "Town of Moody," within the limits of three hundred thirty acres as is hereinbefore set out in this act.

SEC. 2. That all of the officers elected for the town of Moody, as set forth in this act, are hereby declared to be the legally qualified officers for said various positions, and their said election to the several places named are hereby validated.

SEC. 3. That the appointment of a secretary and city attorney for the town of Moody by the town council, as provided for in this act, be and the same is hereby validated, and the said secretary and city attorney so appointed shall have all the power that he would have if duly elected to said position, until the next general election in the town of Moody.

SEC. 4. The fact that there exists grave doubts as to the validity of the corporation of the town of Moody, and whereas, it is a growing city and stands greatly in need of a city government; and whereas there are doubts as to whether the officers now acting under the city government, as created have authority and power to perform legally the functions of their several offices; and if said corporation is not validated by an act of the Legislature, the town will be greatly injured by delays on account of lawsuits which are now threatened against its existence; all of which creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three

several days in each house, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 4th day of September, A. D. 1901, but was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.]

Takes effect 90 days after adjournment.

## CITY OF AUSTIN—AMENDMENT TO CHARTER.

H. B. No. 32.]

### CHAPTER III.

An Act to amend an act entitled "An Act to incorporate the city of Austin, to grant it a new charter, and to fix its boundaries," passed at the Regular Session of the Twenty-seventh Legislature; and to repeal all laws in conflict therewith.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 2, of an act entitled "An Act to incorporate the City of Austin, to grant it a new charter and to fix its boundaries," passed at the regular session of the Twenty-seventh Legislature, and to repeal all laws in conflict therewith be so amended as to hereafter read as follows:

Sec. 2. The boundaries of the city shall be as follows: Beginning on the bank of the Colorado river at the southwest corner of outlot No. 64, in division O, thence northerly in a straight line to the northwest corner of outlot No. 16, in division C, being the northeast corner of the Wells tract of land northeast of the old fair grounds tract; thence northwesterly with the northeast line of said Wells tract and the State Lunatic Asylum grounds, and the north boundary of outlot 83, division D, thence southwesterly about 1275 varas to the most easterly southeast corner of the State Deaf and Dumb Asylum 100-acre tract; thence south 30° west about 1425 varas to the southwest corner of lot No. 1, of Seider's subdivision of the Spear league; thence south 60° east about 20, varas to the northwest corner of lot No. 11, Jones and Sedgwick subdivision of 87, acres of the Spear league; thence south 30° west with the west line of blocks 11, 12, 13 and 5, about 725 varas to the southwest corner of lot No. 5, and the southwest corner of said subdivision. Thence south 60 east about 975, varas with the north line of the J. W. Harris tract, to the northeast corner of same, thence south 30° west with the east line of the George W. Spear league about 2120 varas to the northeast corner of block No. 15, out of a subdivision of a 252 acre tract out of the George W. Spear league, the same being the southeast corner of the E. M. Pease tract, thence westerly with the south line of the E. M. Pease tract to the northwest corner of block No. 12, of a subdivision of the said 252, acre tract out of the George W. Spear league, thence southerly along the west line of blocks 12, 11 and 3 of the same subdivision

of the Spear league, to a point on the west side of said block No. 3 where the south line of the R. Krause ten acre tract intersects, which is the southeast corner of the said Krause tract; thence westerly with the south line of the R. Krause and E. M. Pease tracts to the southwest corner of the E. M. Pease tract, thence northwesterly along the division line between the George W. Brackenridge and the McDonald and Brackenridge property to the northwest corner of the McDonald and Brackenridge twenty-nine acre tract; thence northwesterly through the Geo. W. Brackenridge property to a point in the north line of said Brackenridge property and the south line of the William Walsch 100 acre tract, 500 yards east of a point within ten varas of the Colorado river ordinary water level; thence west 500 yards to a point within ten varas of the Colorado river ordinary water level above the dam constructed and completed across said river; thence up the east bank of the Colorado river within ten varas of said line surveyed twenty-one miles by following the river; thence across said river at right angles a distance of ten varas from said water level line surveyed and marked on the west side of the river; thence down the Colorado river within ten varas of said surveyed line with the meanders of said river to the mouth of Barton's creek; thence up Barton's creek on the west side thereof to a point due west of where the west line of the Isaac Decker league; prolonged in its course northerly would intersect Barton's creek; thence easterly across said Barton's creek to the western boundary line of said Decker league; thence southwesterly with the western boundary line of said Decker league to the southwest corner of lot No. 34, in Bradley's subdivision of the Goodrich estate on said Decker league, being also the northwest corner of the D. P. Kinney tract on said Decker league thence to the southwest corner of the H. J. Doughty tract; on said Isaac Decker league, thence southerly with the west line of block A in the Live Oak Grove subdivision a part of the said Isaac Decker league, for 135 feet more or less, to the southwest corner of said block A in said subdivision, thence easterly 440 feet more or less with the south line of said block A in said subdivision, to the east line thereof. Thence northerly 135 feet more or less, with the east line of said block A on said subdivision to the south line of the H. J. Doughty tract: thence easterly in a straight line to the northeast corner of Mrs. E. V. Blum's 213-acre tract, being the southeast corner of the subdivision known as Southside; thence in a northerly direction with the east boundary line of said subdivision and the east boundary line of the Jno. D. McCall and D. C. Stone tracts to the center of the channel of the Colorado river; thence down said river in a straight line to the place of beginning.

Section 3. The city of Austin shall be divided into seven wards. The First ward shall embrace all the territory of the city of Austin south of the center of the Colorado river.

The Second ward shall embrace all of the following territory: Beginning at a point in the center of the bridge over the Colorado river and extension of Congress avenue and running north with the line in the center of said Congress Avenue to a point in the center of Seventh street; thence west with a line in the center of Seventh street to a point in the center of West avenue; thence south with a line in the center of West avenue to a point in the center of West Sixth street; thence west with a line in the center of West Sixth street to a point in the center of Blanco street; thence north with a line in the center of Blanco street to a point in the center of West Ninth street; thence west with a line in the center

of West Ninth street to a point in the center of West Lynn street; thence north with a line in the center of West Lynn street to a point due east of the northeast corner of the Texas Confederate Home property; thence due west to said corner of said property; thence with the north boundary line of said property to its northwest corner; thence south with the west boundary line of said property to a point in the center of West Sixth street; thence west with the center of West Sixth street and of the boulevard continuation thereof to a point opposite the dam; thence west to the center of the dam; thence down the center of the Colorado river with its meanders to the beginning point in the center of said bridge over the Colorado river.

The Third ward shall embrace the following territory: Beginning at a point in the center of Congress avenue at its intersection with Seventh street; thence north with a line in the center of Congress avenue to a point in Nineteenth street; thence east with a line in the center of Nineteenth street to a point in the center of Lampasas street; thence north with a line in the center of Lampasas street to a point in the center of Twenty-first street, thence west with a line in the center of Twenty-first street to the center of Rio Grande street; thence south with a line in the center of Rio Grande street to the center of Nineteenth street, thence west with a line in the center of Nineteenth street to a point in the east line of the George W. Spear league; thence southward following the east line of the said Spear league to the southeast corner of the E. M. Pease tract—thence west following the city boundary line to the northwest corner of block No. 12 in said 252-acre subdivision of said Spear league; thence south to the southwest corner of said R. Krause ten-acre tract; thence following the city boundary line in a westerly direction to the southwest corner of the William Walsch 100-acre tract; thence following the city boundary line in a northwest direction up the river a distance of twenty-one miles with its meanders, and the line surveyed thence across said river to the most northwesterly corner of the First ward; thence down the river following the north boundary line of the First and Second wards in an easterly direction to the place of beginning.

The Fourth ward shall embrace the following territory: Beginning at a point in the center of Lampasas street at its intersection with Nineteenth street, thence east with a line in the center of Nineteenth street to a point in the center of Waller creek; thence up Waller creek to the junction of east and west Waller creek; thence north with the meanders of east Waller creek to the north boundary line of the city; thence northwest with the boundary of the city to the northwest corner of outlot 83 division D thence southwesterly about 1275 varas to the most easterly southeasterly corner of the State Deaf and Dumb Asylum 100-acre tract; thence in a southerly direction following the western boundary of the city to the north line of the Third ward where it intersects in the east line of the Geo. W. Spear league; thence following the north boundary line of the Third ward in an easterly direction to the place of beginning.

The Fifth ward shall embrace the following territory: Beginning at a point in the center of Congress avenue at the intersection of Twelfth street; thence east with a line in the center of Twelfth street to a point in the center of East avenue; thence south with a line in the center of East avenue to a point in the center of East Eleventh street; thence east with a line in the center of said Eleventh street and its continuation. Chincapin street, to the east boundary line of the city; thence north

with said east boundary line to a point where East Waller creek intersects said boundary line; thence south down said East Waller creek with its meanderings to the center of East Nineteenth street; thence west along the center of Nineteenth street to a point in the center of Nineteenth street and Congress avenue; thence south with a line in the center of Congress avenue to the place of beginning.

The Sixth ward shall embrace the following territory: Beginning at a point in the center of Congress avenue at the intersection of Sixth street; thence east with a line in the center of Sixth street to a point in the center of East avenue; thence south with the center of said East avenue to its intersection with the line of the Houston and Texas Central railroad; thence with said railroad to the east boundary line of the city; thence north with the said east boundary line of the city to the southeast corner of the Fifth ward; thence west with the south boundary line of the Fifth ward to a point in the center of Congress avenue; thence south with a line in the center of Congress avenue to the place of beginning.

The Seventh ward shall embrace the following territory: Beginning at a point in the center of Congress avenue at the intersection of Sixth street; thence south with a line in the center of Congress avenue and the bridge over the Colorado river, a continuation of Congress avenue, to a point in the center of said bridge; thence down the channel of said river with its meanders to the boundary line of the city, the northeast corner of the First ward; thence northeast with the boundary line of the city to the southwest corner of outlot No. 64 division O; thence with the boundary line of the city to the southeast corner of the Sixth ward; thence with the south boundary line of the Sixth ward to the place of beginning.

SECTION 3. The fact that the present session of the Legislature is fast drawing to a close creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in order that this bill may be put on its final passage, and said rule is so suspended, and this act shall take effect from and after its passage, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing act passed the House of Representatives, no vote given, and passed the Senate, no vote given.]

Approved September 18, 1901.

Takes effect 90 days after adjournment.

## CITY OF AUSTIN—AMENDMENT TO CHARTER.

S. B. No. 17.]

## CHAPTER IV.

An Act to amend Sections thirty-three (33) thirty-four (34) thirty-six (36) thirty-seven (37) and sixty-three (63) of an act entitled "An Act to incorporate the city of Austin, to grant it a new charter, and to fix its boundaries," approved April 13, 1901, so as to provide for the refunding of its bonded debt to further define its powers and duties relative to its bonded indebtedness, to define the powers of said city with reference to streets and highways within its corporate limits, and to authorize said city to pledge not exceeding one-fourth of its general revenue for the payment and security of judgments and claims herein specified.

*Be it enacted by the Legislature of the State of Texas:*

"SECTION 1. That Sections thirty-three (33) thirty-four (34) thirty-six (36), thirty-seven (37) and sixty-three (63) of an act entitled "An Act to incorporate the City of Austin, grant it a new charter and to fix its boundaries," approved April 13, 1901, be, and the same is hereby amended so as to hereafter read as follows:

Section 33. The City Council shall have the power within the City by ordinance to levy and collect an annual tax, not exceeding for all purposes including taxes levied for the support of public schools, two and one-half per cent. of property values within the said City, and such taxes shall be levied at the first regular meeting in May of each year as follows:

1. An annual tax not exceeding one per cent. on all property within the limits of said City, made taxable by law for State and county purposes, the money raised by said taxes to be used for current expenses, and for general improvement of the City and its property, and at least one-fourth thereof shall be set apart and devoted to the improvement of streets and building of bridges within the City; and a part of said general revenue, not to exceed one-fourth of one per cent. of the total taxable values as aforesaid of said City may, by the City Council, be appropriated and pledged for the liquidation, settlement and payment of the money to become due by virtue of the terms of any contract which may be by said City made for the purchase of any water, light or power plant at present owned and operated in said City by private persons or corporations. Whenever the City Council shall, by ordinance enacted in pursuance of the power above granted, pledge and set aside any specific portion of its general revenues, not exceeding the proportion above mentioned, for the payment of money due by virtue of the terms of such contract, such pledge and appropriation shall continue to be a binding and irrevocable contract as to the owners of the claim which it is pledged to secure, until the claim thereby secured shall be fully paid and discharged: the provisions herein contained are not applicable to the contracts or claims or judgments which may result or have resulted from or in the issuance of bonds.

2. To raise such further amount as may be necessary to pay interest and two per cent. sinking fund annually on all bonded debts of the City.

3. To raise money on the credit of the City for a special and definite purpose, by issuing bonds of the City or otherwise; provided, the bonded debt of the City shall only be increased by a special act of the Legisla-



ture or by consent of two-thirds of the qualified voters in said City who pay taxes on property, real or personal, in said City. All persons owning property, real or personal, subject to taxation in the said City, on the 1st day of January next preceding any election that may be held to obtain such consent, shall be deemed to be persons who pay taxes on property in said City. Such election shall be ordered by the City Council, and notice thereof shall be given for at least thirty days by the Mayor, in such manner as may be prescribed by the City Council; provided, that whatever power the City Council may have possessed or acquired under the charter in force in said City prior to the passage of this act, through any election held under said charter to increase the indebtedness of said City, is hereby continued and perpetuated in said Council, and may be exercised under this act with the same effect that such power might have been exercised under said charter, if this act had not been passed and to no further extent, and with no further force or extent under this act than might have been done without the passage of this act; provided, that lands within the limits of the City which have not been laid off into blocks and lots shall not be assessed for taxes otherwise than by the acre, and shall continue to be so assessed and taxed, until laid off into lots and blocks by the owners thereof, and the owners of such lands in laying off the same into lots and blocks, shall so arrange the streets that they shall correspond as nearly as practicable with previously established streets of the City.

Section 34. That all such bonds shall specify for what purpose they are issued, and provision shall be made to pay the interest and the sinking fund of two per centum annually of the principal to redeem or pay the bonds.

Section 36. Whenever the accumulated sinking fund upon any issue of bonds, shall amount to as much as one thousand dollars, the same shall be applied at once to the discharge of a like amount of said bonds, and should the City not be entitled to redeem any of such series, and the holders be unwilling to surrender the same, said fund shall be invested in other valid interest bearing bonds of the City of Austin, or of the United States, or of the State of Texas, as the Council may determine, and when so invested the bonds purchased and the interest thereon shall be held as a trust for the particular fund from which the money was taken, and shall not be sold or otherwise used except for the purpose of retiring the original bonds for whose use the fund was created; but all moneys collected on account of the sinking fund shall be annually applied exclusively to the redemption and retirement of the refunding bonds to be issued hereunder. If such refunding bonds cannot be purchased in the market at or below par, then such sinking fund shall be used to retire such refunding bonds by drawing the same by lot under regulations to be prescribed by the City Council.

Section 37. The said City Council shall have power and authority to fund, refund, compromise, adjust, scale or settle all or any part of the bonded indebtedness of said City, and for that purpose shall have the power and it is hereby specially authorized without any election to obtain the consent of the qualified voters in said City who pay taxes on property therein to forthwith issue refunding bonds; such bonds to be entitled Refunding Bonds of the City of Austin, Texas, and all of such refunding bonds shall be dated July 1st, 1901, and shall be payable July 1st, 1931; redeemable however, at the option of the City, on any interest

payment date at par and accrued interest to date of redemption. Said bonds shall bear interest at the rate of three per centum (3%) per annum for the period of five (5) years from July 1st, 1901, that is to July 1st, 1906, thereafter said bonds shall bear interest at the rate of four per centum (4%) per annum for a period of ten (10) years, that is to July 1st, 1916, and thereafter until the maturity of said bonds they shall draw interest at the rate of five per centum (5%) per annum. Said interest shall be payable semi-annually on the first days of January and July of each and every year, and both principal and interest of said bonds shall be payable, at the option of the holder, in either the City of New York or the City of Austin, and may be made payable in gold coin of the United States of America of or equivalent to the present standard of weight and fineness. In form said bonds may be either registered bonds or negotiable coupon bonds, with or without the privilege of registration as to both principal and interest, or part may be registered bonds and part negotiable coupon bonds; and for the purpose of registering the principal and interest of the negotiable coupon bonds, the Treasurer of the City is hereby authorized and directed to register such principal and interest or both, under such rules and regulations as may be provided by the City Council; after which registration the principal, or interest as the case may be or both, shall be payable only to the registered holder. Said bonds may be of such denomination or denominations as the City Council may determine. Said bonds may be authorized at any regular or special meeting of the City Council by a majority vote of all the members of the City Council, and the ordinance authorizing said bonds may be introduced and finally passed at the same meeting. A certified copy of the ordinance of said City providing for the issuance of said refunding bonds, and of the ordinance levying a tax to pay the interest upon and provide a sinking fund for the redemption of said bonds together with the said bonds duly executed by the Mayor and Clerk of said City shall be submitted to the Attorney General whose duty it shall be to examine the same, and if he finds that said bonds have been issued in accordance with the provisions of this act and not in contravention of the Constitution of this State, the Attorney General shall officially so certify to the Comptroller, and such certificate shall be preserved by the Comptroller as a record of his department and for use as evidence. The Comptroller shall then register said bonds in the book kept for the purpose of registering bonds issued under the provisions of Chapter 64, of the General Laws passed in 1893, and shall affix to each of said bonds his certificate under his official seal, to the effect that the same have been duly registered in his department. Said refunding bonds shall then be delivered to the Treasurer of the said City of Austin, upon the order of the Mayor of said City, and the Mayor and Treasurer of said City acting jointly are hereby constituted the agents of said City to thereafter issue and dispose of said bonds under the provisions of this act. Said refunding bonds shall be exchangeable from time to time for the outstanding bonds of the City of Austin, adjustment of accrued interest as between the refunding bonds and the bonds for which they are exchanged to be made in cash, and at the time of exchange all overdue coupons on the refunding bonds shall be detached and canceled. In making the exchange herein provided for the face value or principal amount of the outstanding City bonds received on such exchange, shall be at least equal to the face value or principal

amount of the refunding bonds issued on such exchange. The City Council and the Attorney General of the State are expressly authorized to provide that such exchange may take place in the City of New York, or such other place as may be most convenient for effecting such exchange. The said refunding bonds may be sold and the proceeds thereof used to take up the outstanding bonds of the City of Austin; provided, that such refunding bonds shall not be sold for less than the sum for which an equal amount in par value of the outstanding bonds can be purchased, nor shall any sale or delivery of such refunding bonds take place until a contract has been entered into for the purchase of at least an equal amount in par value of the outstanding bonds. The bonds of said City now outstanding, when exchanged or taken up by said City under the provisions of this act, shall be by said Mayor and Treasurer, immediately canceled by mutilating the signatures thereto, and a report of the numbers and series thereof shall be made by the Mayor and Treasurer at the next meeting of the City Council, and the said bonds so canceled, shall be then destroyed in the presence of the City Council and a minute thereof be made upon its record. The ordinance or ordinances providing for the issue of said refunding bonds shall make provision for the annual assessment and collection of a tax sufficient to pay the interest thereon and to create an annual sinking fund of two per centum (2%) of the principal thereof, and nothing herein or in any other statute of this State shall make it incumbent upon the City Council to provide for a sinking fund of more than two per centum (2%) per annum of the principal of such refunding bonds as may be issued under such ordinance or ordinances. For the payment of interest and the creation of such sinking fund, the City Council of the City of Austin is authorized to levy a tax of one and sixteen and two-thirds hundredths 1.1666 per centum, or so much thereof as may be necessary for said purpose, and while any of said refunding bonds are outstanding, the power to levy said tax shall not be decreased, impaired or curtailed. The right of the City of Austin to levy said tax shall enter into and become part of the contract in the issuance of said bonds; such tax to be levied when and as other taxes of the City are levied, and in the event of the failure of the City Council to levy such tax, either of the district courts in and for Travis county, or the United States Circuit Court, or a judge of the United States Circuit Court for the circuit in which is located the City of Austin is authorized to make and grant on the application of any holder of any said refunding bonds a mandamus to compel such levy, and such mandamus may be granted without judgment being first had on account of such bonds. If at any time, for any reason whatsoever, the maximum tax possible of collection shall not be sufficient to pay the interest and also provide for the sinking fund, then and in that event the taxes collected shall first be appropriated and used to pay all accrued interest or interest to accrue during the year for which such tax levy is made in full before any part thereof shall be appropriated for the sinking fund. In case any suit or suits shall at any time be instituted against the City of Austin to enforce the payment of the principal or interest of said refunding bonds, or to compel the levy and collection of the taxes herein prescribed, no defense, either in law or in equity shall be admitted in any of the courts of this State, except such as originated upon or subsequent to the issuance of such refunding bonds. Any public institution in the State of Texas or

any sinking fund commission holding any of the bonds of the City of Austin are hereby authorized and directed to exchange such bonds for refunding bonds which may be authorized pursuant to this act. The payment of the principal or interest of any bonds which may be issued by the City of Austin after the due authorization of the refunding bonds provided for herein shall be subject to the payment in full of the principal and interest and the creation of the sinking fund of two per centum (2%) per annum of all such refunding bonds issued under such authorization, or which may be thereafter issued under such authorization, before any part of the tax collected by the said City shall be applied to such other bonds of the City. While any of said refunding bonds shall be outstanding the City of Austin shall not sell, lease, rent or otherwise part with the possession of its water, light and power properties and all monies net income derived from the operation of such plants, shall be paid into and become a part of the sinking fund for the redemption of such refunding bonds, and shall be applied in the same manner as the sinking fund derived from the collection of taxes; subject however, to the pledge of such net income contained in the bonds of the City of Austin known as the Water Works and Electric Light Bonds of 1890, and in the ordinance authorizing them, while any of such bonds shall remain outstanding, provided however that nothing in the charter of the City or in these amendments thereto, shall be so construed as to prohibit the City from selling disused property formerly purchased and used by it in the operation of its water power plant, situated at and near the dam of the City across the Colorado river, and the right to sell such disused property as may not be necessary for the present operation of its steam water, light and power plant is hereby expressly conferred upon the said City, to be exercised whenever same shall be by it deemed expedient and desirable, but nothing herein contained shall be so construed as to make it the duty of the City to sell any of said material or property until such sale shall by it be deemed expedient and desirable; and all of said material and property shall be deemed to be held for public use until so sold and shall never be subject to execution sale or other forced sale at the instance of any creditor or creditors of the City. While any of said refunding bonds shall be outstanding the corporate limits of the City of Austin as at present defined shall not be decreased or lessened for taxing purposes or otherwise.

Section 63. That the City Council shall have exclusive control and regulation of all streets alleys, sidewalks and highways and public squares within the corporate limits of the city, and shall have power:

1. To abate and remove encroachments thereon in summary manner.
2. To put drains and sewers therein, and when necessary to appropriate private property for that purpose; for the purpose of establishing streets and alleys to be condemned according to the laws relating to the condemnation of property by railroad corporations, the City occupying the place of the railroad corporation in such cases.
3. To permit and regulate the laying of gas and water mains therein. and the erection of telegraph and telephone and electric light poles therein.
4. To regulate, retabish and change the grade of all sidewalks. streets and alleys, and to require and compel the cutting down or filling up and raising of such streets, sidewalks and alleys.

5. To construct, regulate and keep in repair all culverts, sewers and crossings, and to control and regulate the use of same.

6. To construct regulate and keep in repair all necessary sidewalks, footways and streets.

7. To grade, cut down and fill up the same.

8th. To regulate the use of the same and abate and remove encroachments and obstructions thereon, and to compel the same; provided, that when the City Council has once established a grade for any street, sidewalk, alley or park, and any owner of property abutting thereon has improved such property to conform to such grade, then the City Council shall not have authority to change such grade, except by consent of a majority of the owners by feet frontage of the property in front of which it is proposed to change such established grade.

9th. To vacate streets and alleys.

SEC. 2. The facts that the City of Austin is at the present obligated to pay interest on its bonded indebtedness at an unreasonably high rate, and that the holders of such indebtedness have agreed to accept in lieu of the bonds at present held by them, refunding bonds leaving a lower rate of interest so soon as the charter of said City shall be so amended as to adequately provide for the issuance of such refunding bonds, create an imperative public necessity requiring the suspension of the constitutional rule which provides that bills shall be read on three several days, which said rule is accordingly suspended, and it is therefore enacted that this act shall take effect and be in force from and after its passage.

[NOTE.—The enrolled bill shows that the foregoing act passed the Senate by two-thirds vote, yeas 25, nays 0; and reported to the House of Representatives, where it was amended and passed by two-thirds vote, yeas 107, nays 0; Senate concurred in House amendments, yeas 23, nays 0.]

Approved September 21, 1901.

Became a law September 21, 1901.

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## CERTIFICATE.

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THE STATE OF TEXAS, {  
DEPARTMENT OF STATE. }

I, John G. Tod, Secretary of State of the State of Texas, do hereby certify that the foregoing special laws, passed at the first called session of the Twenty-seventh Legislature, have been carefully examined and compared by me with the original enrolled bills now on file in this department, and are true copies of said original enrolled bills.

I do hereby further certify that the first called session of the Twenty-seventh Legislature convened in the city of Austin on the sixth day of August, A. D. 1901, and adjourned on the fourth day of September, A. D. 1901.

In testimony whereof, I have hereunto subscribed my name,  
[SEAL.] and have hereto affixed the seal of the State of Texas, in the city of Austin, this 12th day of October, A. D. 1901.

JOHN G. TOD,  
Secretary of State.

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